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Human Rights Council

Twenty-ninth session

Agenda item 5

Human rights bodies and mechanisms

Joint written statement* submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status, Asociación Española para el Derecho Internacional de los Derechos Humanos AEDIDH, American Association of Jurists, Armenian Constitutional Right-Protective Centre, Armenian Young Lawyers Association, Association "For Sustainable Human Development", Association of War-Affected Women, Autre Vie, Center for Development of Civil Society, Foundation for Human Horizon, International Association of Peace Messenger Cities, International Institute for Child Protection, International Network for the Prevention of Elder Abuse, International Organization for the Elimination of All Forms of Racial Discrimination, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, IUS PRIMI VIRI International Association, Lama Gangchen World Peace Foundation (LGWPF), Lawyers' Rights Watch Canada, MiRA Resource Center for Black Immigrant and Refugee Women, Organisation internationale pour les pays les moins avancés (OIPMA), Pax Christi International, International Catholic Peace Movement, Shirley Ann Sullivan Educational Foundation, Sisters of Notre Dame de Namur, Women Environmental Programme, Women's World Summit Foundation,

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09273 (E)



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World Association for Psychosocial Rehabilitation, Yayasan Pendidikan Indonesia, non-governmental organizations in special consultative status, Dzeno Association, International Peace Bureau, International Society for Human Rights, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

Civil society views on the third session of the Working Group on the Right to Peace*

The Chairperson-Rapporteur of the Working Group on the Right to Peace distributed on 31 March 2015 his **second draft declaration**, to be discussed during the third session of the Working Group, held in Geneva from 20 to 24 April 2015.

Following the approach suggested, guided by the wish to obtain a consensus text, the draft declaration showed again a minimalist approach that did not recognise the human right to peace nor it defined its elements, so it did not provide any added value to the current state of international human rights law.

The debates held during the third session of the Working Group were focused in the preambular paragraphs of the draft and they introduced no essential changes.

At the end of the debate, the Chairperson-Rapporteur submitted on 24 April 2015 his **third draft declaration** (incomplete) with nine paragraphs of the preamble between square brackets, since they were objected by some States. Regarding the title and the operative part, which reproduced almost the same draft that was submitted on 31 March 2015, they were not either subject to debate due to a lack of time, so they were also submitted between square brackets. Having acknowledged the failure in finalizing the draft declaration because of lack of consensus, the Chairperson-Rapporteur announced his resignation.

Article 1 makes reference to the three United Nations pillars, as follows:

Everyone has the right to enjoy peace such that security is maintained, all human rights are promoted and protected and development is fully realized.

The 627 undersigned civil society organizations consider that article 1 is highly insufficient since it does not recognise the human right to peace nor develop its fundamental elements, as did the Declaration on the Right to Peace of the Advisory Committee (2012) and the Santiago Declaration on the Human Right to Peace, approved by the international civil society in 2010.

Both documents had identified the following essential elements, which should be incorporated to the third draft declaration of the Chairperson-Rapporteur: the right to human security; the right to disarmament; the right to peace education and training; the right to conscientious objection to military service; the right to resistance and opposition to oppression; the duty to regulate the conduct and responsibilities of both private military and security companies and peacekeeping missions; the right to development; the right to environment; the right of victims of human rights violations to truth, justice, reparation and guarantees of non-repetition; the rights of individuals belonging to vulnerable groups; and the rights of refugees and migrants.

Article 2 refers to elemental obligations of the States, as follows:

States should respect, implement and promote equality and non-discrimination, justice and the rule of law and guarantee the security of their people, fulfil their needs and ensure the protection and promotion of their universally recognized human rights and fundamental freedoms as a means to build peace.

These obligations were already affirmed in the Universal Declaration of Human Rights, the United Nations Millennium Declaration, and the Outcome Document of the 2005 World Summit. They should be now developed in accordance with articles 2 and following of the Advisory Committee Declaration on the Right to Peace and articles 3 and following of the Santiago Declaration on the Human Right to Peace.

Article 3 of the third draft declaration of the Chairperson-Rapporteur states:

States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the present Declaration. Encourages international, regional, national and local organizations and civil society to support and assist in the implementation of the present Declaration.

The undersigned civil society organizations consider that, as stated in the Santiago Declaration and Advisory Committee Declaration, the duties for States and other actors to fulfil the human right to peace and each of its essential elements should be further spelled out.

Among them, States should urgently reform the Security Council so it could assume effectively its responsibilities concerning the maintenance of international peace and security, as stated in Art. 13 paragraph 8 of the Santiago Declaration. The urgency of this reform is justified today more than ever, given the extremely serious context of international crisis, marked by an unprecedented arms race and warlike escalation, with its aftermaths of death and destruction.

Finally, **article 4** of the third Chairperson-Rapporteur's draft declaration establishes that:

Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations. The provisions included in this Declaration are to be interpreted in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and international law.

We consider more accurate the final provisions contained in Article 14 of the Advisory Committee Declaration on the Right to Peace.

Furthermore, article 4 should foresee the establishment of a monitoring body of the future Declaration that, in our view, should be a working group of independent experts on the human right to peace, appointed by the General Assembly.

Finally, the Chairperson-Rapporteur recommended to the Council evaluating if the international community is in a good position to continue developing the right to peace by consensus at this moment.

The undersigned civil society organizations remind that the United Nations was established 70 years ago with the firmly purpose of maintaining international peace and security and strengthening universal peace¹, to save succeeding generations from the scourge of war².

Consequently, the General Assembly recognized in 1978 the inherent right of every nation and every individual to live in peace³, and in 1984 the sacred right of all peoples to peace⁴.

It is now up to the international community to recognise and develop the human right to peace, in light of the current developments of the international human rights law⁵, as well as the work undertaken by this Council in favour of the human right to peace since 2008, at the request of civil society.

¹ United Nations Charter, articles 1.1 and 1.2.

² United Nations Charter, Preamble.

³ Declaration adopted in the resolution 33/73 of the General Assembly, 15 December 1978.

⁴ Declaration adopted in the resolution 39/11 of the General Assembly, 12 November 1984.

⁵ Four regional documents equally recognise the right to peace, as follows: the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the Rights of Women in Africa, the Ibero-American Convention on Youth Rights and the Human Rights Declaration of the ASEAN member States.

In **conclusion**, the 627 undersigned civil society organizations request the Council:

1. To extend the mandate of the Working Group on the Right to Peace.
2. To invite the Working Group to renew the negotiation of the future Declaration of the United Nations on the Human Right to Peace, taking into account its essential elements, as developed both by the Advisory Committee Declaration on the Right to Peace (2012) and civil society in the Santiago Declaration on the Right to Peace (2010).

Ultimately, we believe that the future United Nations Declaration on the Human Right to Peace should require a normative development that would constitute a clear departure from political declarations adopted in the past. For this reason, it must proclaim with no ambiguity that every individual and all peoples are right-holders of the human right to peace. This right must be spelled out with the substantive contents claimed by international civil society, thus being a significant step forward in the development of international human rights law, which is the basis to achieve freedom, justice and peace in the world⁶.

*International Observatory of the Human Right to Peace; RET International; PROSALUS; Fundación Seminario de Investigación para la Paz; The Liberties Group for Development and Human Rights (LGDHR); World Congress of Overseas Pakistanis; Indigenous Forum, AIDB Burundi; Bureau for Reconstruction and Development (BRD); International-Lawyers.Org; Kataliko actions for Africa-KAF; Somos Paz; Peace Without Limits (PWL); Fundación Cultura de Paz; Red de Semillas Libres Chile; COFAVIC; Fundación Regional de Asesoría en Derechos Humanos INREDH; Red Internacional de Derechos Humanos; Institut de Drets Humans de Catalunya; Asociación Pro Derechos Humanos de Andalucía (APDHA); Associació per a la recuperació de la memòria històrica de Catalunya; TransConflict; Children's Project International; Instituto de Derechos Humanos Sri Aurobindo; Amigos de la Tierra España; Coordination forum of Palestinian NGOs in Lebanon (18 members); International Federation for Peace and Conciliation (22 members); *International Association of Peace Messenger Cities (109 members); *International Peace Bureau (300 members); Pax Christi International (124 members). NGOs without consultative status, also share the views expressed in this statement.

⁶ Universal Declaration of Human Rights, preamble, paragraph 1.



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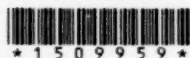
Twenty-ninth session

Agenda item 5

Human rights bodies and mechanisms

Joint written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status; Asociación Española para el Derecho Internacional de los Derechos Humanos (AEDIDH), the American Association of Jurists, the Armenian Constitutional Right-Protective Centre, the Armenian Young Lawyers Association, the Association “For Sustainable Human Development”, the Association of War-Affected Women, Autre Vie, the Center for Development of Civil Society, the Foundation for Human Horizon, the International Association of Peace Messenger Cities, the International Institute for Child Protection, the International Network for the Prevention of Elder Abuse, the International Organization for the Elimination of All Forms of Racial Discrimination, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, IUS PRIMI VIRI International Association, the Lama Gangchen World Peace Foundation (LGWPF), Lawyers’ Rights Watch Canada, the MiRA Resource Center for Black Immigrant and Refugee Women, Organisation internationale pour les pays les moins avancés (OIPMA), Pax Christi International, the International Catholic Peace Movement, the Shirley Ann Sullivan Educational Foundation, the Sisters of Notre Dame de Namur, the Women Environmental Programme, the Women’s International League for Peace and Freedom, the Women’s World Summit Foundation,

GE.15-09959 (E)



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the World Association for Psychosocial Rehabilitation and Yayasan Pendidikan Indonesia, non-governmental organizations in special consultative status; and the Dzeno Association, the International Peace Bureau and the International Society for Human Rights, non-governmental organizations on the roster

Corrigendum

The title of document A/HRC/29/NGO/90 should read as above.



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Agenda item 5

Human rights bodies and mechanisms

Joint written statement* submitted by the Associazione Comunita Papa Giovanni XXIII, United Network of Young Peacebuilders (UNOY Peacebuilders), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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An appeal to declare the Right to Peace

Associazione Comunità Papa Giovanni XXIII (APG23) and UNOY Peacebuilders (United Network of Young Peacebuilders) among many others have participated in the Open Ended Intergovernmental Working Group on the right to peace for the last three years. The Working group was established by resolution A/HRC/RES/20/15, with the mandate of “progressively negotiating a draft United Nations declaration on the right to peace”. The mandate expired at the 3rd session of the Working Group, held in April 2015.

Regrettably, the output of the OEIWG did not mark a quantum leap forward towards a meaningful declaration on right to peace as expected by the civil society organisations. In fact, it produced a text with a lot of reservations by Member States put in brackets both in the preamble and the operational part.

We congratulate the Chairperson Rapporteur for his endless diplomatic efforts to reach consensus during the third session of the Intergovernmental Working Group. We do still support the idea that consensus is connatural to the process of peace and would be the best way to adopt a declaration on the right to peace. Nevertheless, we would like to reiterate that such a declaration should be meaningful and add value to existing international human rights and humanitarian law.

At the beginning of the last session of the OEIWG, APG23 and UNOY Peacebuilders shared a written proposal with delegates of Member States present in the room, aimed at reaching a declaration that is both consensual and meaningful. In particular, we proposed alternative language for art. 1 that reads, “Every person and all peoples have the right to enjoy peace. To that end, they are entitled to the promotion, protection and respect for all human rights and fundamental freedoms and, in particular, to live in a context in which all human rights, peace and security, and development can be fully realized”.

At the 29th regular session of the Human Rights Council, the Chair of the OEIWG, Ambassador Guillermet Fernandez, will give the report of the third session of the OEIWG and present his final text of the draft declaration that is still under negotiation among States. Art. 1 of the text that the Chairperson circulated on the last day of the 3rd session of the OEIWG states that: “everyone has the right to enjoy peace such that security is maintained, all human rights are promoted and protected and development is fully realised”.

Indeed, we believe that the formulation “right to enjoy peace” is a viable solution that can create consensus. In our proposal, we formulated language in light of the input given by Member States and other stakeholders in the previous two sessions of the OEIWG. Among the improvements to the text that do not compromise consensus, we had also included the principles of peace education and human rights education, as well as the peaceful settlement of disputes or conflicts through dialogic and nonviolent means.

While those seem to have remained in some form, the important concept of the necessary infrastructure to sustain the work of peace was greatly weakened in the latest draft text. If the right to enjoy peace is to be workable, peace needs the infrastructure that will make its enjoyment possible. The sustainability of peace work requires such on-going supporting structures, as does its implementation.

Our NGOS are convinced that the desire and need for peace is a natural and common characteristic of every human being. We firmly believe that peace is a human right that derives from the deepest aspirations of all the people of the world and is deeply rooted in the United Nations Charter and the Universal Declaration of Human Rights.

Historically, there has been a progression within the United Nations on the recognition of the right to peace. The United Nations Charter begins with the words, “We the peoples of the United Nations determined to save succeeding generations from the scourge of war (...)”.

In 1978, the General Assembly approved the “Declaration on the Preparation of Societies for life in peace” that affirms that “every nation and every human being [...] has the inherent right to life in peace”.

In 1984, the "Declaration on the right of peoples to peace" adopted by the General Assembly made a new step ahead by declaring in its first article "the peoples of our planet have a sacred right to peace".

In 1999, the General Assembly approved the United Nations Declaration and Program of Action on a Culture of Peace whose articles 1 and 3 contain the main elements of the right to peace, such as:

- Respect for life, ending of violence and promotion and practice of non-violence through education, dialogue and cooperation;
- Full respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations and international law;
- Full respect for and promotion of all human rights and fundamental freedoms;
- Commitment to peaceful settlement of conflicts;
- Efforts to meet the developmental and environmental needs of present and future generations;
- Respect for and promotion of the right to development;
- Respect for and promotion of equal rights of and opportunities for women and men;
- Respect for and promotion of the rights of everyone to freedom of expression, opinion and information;
- Adherence to the principles of freedom, justice, democracy, tolerance, solidarity, cooperation, pluralism, cultural diversity, dialogue and understanding at all levels of society and among nations;
- An enabling national and international environment conducive to peace.

In the last decade, Civil Society, especially the Spanish Society for International Human Rights Law (SSIHRL), has played a very important role in the promotion of the right to peace and contributed significantly to the process for the codification of this right¹. People on the ground are asking for a declaration of the Human Right to Peace.

The history of humankind demands that we take this perspective. We are commemorating the centennial of the beginning of the First World War, when millions of people died and were hurt, injured or disabled. Since then, the many wars that have occurred have caused more than two hundred million deaths without counting the deaths for the so-called collateral effects (anger, diseases) and the immense damage and/or destruction of goods and resources that are essential for development.

The recent conflicts, such as the one in Syria, the violence perpetrated by ISIS, the persecutions of Christians and religious minorities reveal a world that struggles in finding its way to peace. Economic interests, weapons' markets, religious fundamentalism, the lack of respect for others and their diversity, lack of dialogue, discrimination and injustice, the "culture of waste" are all reasons behind the different conflicts and violence that affect our world, each in its own way. As Pope Francis said in several occasions, "We have entered into the third world-war, this time carried out in pieces".

There is an extreme need to promote a culture of peace and to give value to the peace promoters, those numerous international volunteers who work daily for peace in a nonviolent manner and build bridges between opposing factions, disarm the minds of people and are means of reconciliation.

It is absolutely important to recognize the right to peace as a step forward for the full respect of all the other human rights, including the right to development.

A Declaration on the Right to Peace is necessary and relevant not only for the victims of conflicts and violence but also for people who suffer because of structural injustices and economic and social violence.

¹ Luarca Declaration (2006), Barcelona and Santiago Declaration (2010) on Right to Peace promoted by Civil Society.

Peace within and among nations is fundamental for the economic and social progress and for the enjoyment of all human rights.

If there is a right to peace, there is also the duty to make peace². A declaration on the right to peace will provide international law with an instrument that - even if not of a binding nature - will call Member States to renew their political commitment towards peace.

The United Nations should again declare that war is unlawful from a legal perspective, as well as totally incompatible with peace and a clear abuse of humans rights, and in particular the right to life.

At the present moment, the Human Rights Council of the United Nations has the historic opportunity to offer to the International Community, coinciding with the 70th Anniversary of the United Nations Charter, a solemn Declaration that would include a specific human right to peace among universally recognised human rights and fundamental freedoms. This opportunity should not and cannot be missed.

APG23 and UNOY Peacebuilders do hope that at the 29th regular session of the Human Rights Council, a consensus will be reached on the abovementioned text without further diluting it. In particular, we call on Member States to take a step forward in the promotion of peace by adopting a declaration that recognizes the "right to enjoy peace" - thus producing an instrument that can be both consensual and meaningful for generations to come.

² Pope John Paul II, message to UNESCO, 5 September 1983.



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Agenda item 3

**Promotion and protection of all human rights, civil,
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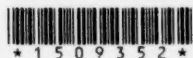
Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Bahrain: Human rights defenders at risk in jail, others facing long prison sentences

Most of Bahrain's prominent human rights defenders remain in prison, facing prison or in exile, as the regime attempts to silence criticism and punish all those who cooperate with international NGOs and the United Nations. On 4 May, **Nabeel Rajab**, President of the Bahrain Center for Human Rights (BCHR) and Co-Founder of the Gulf Centre for Human Rights (GCHR), was brought to court to face numerous charges being mounted against him for tweets about human rights issues. The verdict was postponed to 14 May, and he remains in detention in solitary confinement. Rajab, who was arrested on 2 April, is facing up to ten years in prison on one charge alone, in addition to a six-month sentence handed down on 20 January 2015 for allegedly "insulting public institutions and the army".

Rajab was charged with allegedly "disseminating false news in time of war, which may undermine preparations and war operations, and openly discrediting a statutory entity," in connection with tweets regarding the war against Yemen. It is alleged that Rajab re-tweeted photos that originate from Palestinian and Syrian conflicts and made comments detrimental to Bahrain's military operations in Yemen. Although Rajab removed the photos, the authorities used them as an opportunity to imprison him on fabricated charges. His lawyer **Jalila Al-Sayed** had been prevented from seeing his case file.

On 4 April, Rajab was presented to the Public Prosecution and charged for breaching Article 133 of the penal code, which states: "A punishment of imprisonment for a period not exceeding 10 years shall be inflicted upon any person who deliberately announces in wartime false or malicious news, statements or rumours or mounts adverse publicity campaigns, so as to cause damage to military preparations for defending the State of Bahrain or military operations of the Armed Forces, to cause people to panic or to weaken the nation's perseverance."

In a separate case, Rajab was also charged under another article of the penal code over tweets and retweets about the violence that took place in Jaw Prison on 10 March 2015, where prisoners were violently attacked after they protested against their bad conditions, and subjected to collective punishment. Article 216 states: "A person shall be liable for imprisonment or payment of a fine if he offends/ denigrates by any method of publication the National Assembly, or other constitutional institutions, the army, law courts, authorities or government agencies."

Some prisoners from Jaw Prison were not been able to contact their families for weeks after the incident on 10 March. Prisoners reported to have been badly injured include human rights defender **Naji Fateel** of the Bahrain Youth Society for Human Rights, who was jailed for 15 years for his human rights activities in 2013 after he returned from speaking at the UN Human Rights Council.

According to Fateel's family, he was badly hurt during the events of 10 March, even though he was a bystander. Fateel's wife was denied visits to him for weeks, but other prisoners reported to their families that they saw his clothes covered in blood, and that Fateel suffered a broken leg and nose, among other injuries. The most recent reports from April are that Fateel was among prisoners being subjected to "physical and psychological torture."

Jailed human rights defenders have resorted to hunger strikes to protest the inhumane conditions, including **Abdulhadi Al-Khawaja** and **Dr. Abduljalil Al-Singace**, who are part of the group of activists and human rights defenders known as the Bahrain 13. Both men were sentenced to life in prison for their roles in peaceful protests in 2011. This group of men have been prevented from receiving proper medical care.

They have also been subjected to humiliating and degrading full-body searches. In March, Al-Khawaja refused to have visits in an act of protest against this degrading treatment. They're also harassed during phone calls, which are cut off suddenly and appear to be tapped.

On 27 April, Dr. Al-Singace called his family and reportedly sounded weak and said that his white blood cell count is still low. He has been in Al-Qala'a hospital since 1 April due to the deterioration of his health since he began his hunger strike on 21 March 2015. Al-Singace suffers from lower back and neck disc problems. His recent medical tests showed that he has urinary tract infection and enlarged prostate.

Human rights defender **Hussain Jawad Parweez**, President of the European-Bahraini Organisation for Human Rights (EBOHR), remains in Dry Dock Detention Centre awaiting trial on 12 May. He was allegedly tortured and threatened after being detained in the notorious Criminal Investigations Directorate (CID) following his arrest on 16 February 2015. He was taken to court on 22 April on charges of raising funds abroad for "subversive groups" to cause damage. Jawad was also in court on 25 February on charges of allegedly insulting the King of Bahrain and "inciting hatred against the regime" following a speech he gave in Manama about human rights.

Meanwhile, two women human rights defenders are facing ongoing trials in violation of their right to free expression. They have both served time in prison in the past year and could be imprisoned again.

Activist **Zainab Al-Khawaja** was in court on 15 April on trumped up charges of entering a restricted area, related to her attempts to visit her father last August, just one of her many cases. That case was postponed to 2 June 2015. On 4 December 2014, she was sentenced to three years in prison and a fine of 3000 BHD (approx. USD\$7960) on the charge of ripping a picture of the Bahrain monarch during a court hearing in October 2014. The appeal for that charge is on 15 June 2015. Then on 9 December 2014, Al-Khawaja had three hearings when she was sentenced to one year in prison for allegedly "insulting a public officer." A four-month sentence for "destroying public property" was upheld. None of these sentences allow bail, which means that she could be arrested at any time now.

In the meantime, Al-Khawaja's baby is being denied a birth certificate so there is no official paperwork to confirm his existence, and her own passport has also not been renewed, as a form of harassment.

Women's rights defender Ghada Jamsheer faces a travel ban and continuous judicial harassment, in 12 cases related to allegations of corruption at King Hamad hospital she made on twitter, which led to her imprisonment on defamation charges for three months in 2014. On 14 April, she appeared in the Third Lower Criminal Court, and the case was postponed to 9 June.

On 14 March 2015, Jamsheer was informed by the security office at Bahrain International Airport that a travel ban has been imposed by order of the Office of the General Prosecutor. She was on her way to get medical treatment in France. She was accused of allegedly assaulting two police women, one an officer, in September 2014 during her detention. She had no prior knowledge of this particular charge until she was stopped at the airport. On 4 May 2015, she was sentenced to one year in prison (suspended for three years) by the High Criminal Court in this case. Her case is similar to that of **Maryam Al-Khawaja**, GCHR Co-Director, who was falsely accused of assaulting a police woman during her arrest in August 2014, when she arrived in Bahrain to visit her father. She was sentenced in absentia to a year in prison in December 2014.

Khiam Center expresses its concern about the ongoing judicial harassment of human rights defenders in Bahrain and calls on the authorities to:

- Release Nabeel Rajab from pre-trial detention, and drop the charges related to his freedom of expression, freeing him from solitary confinement;
- Investigate allegations of poor conditions in Jaw prison, and the torture of inmates;
- Move inmates back to their original buildings and end the practise of keeping them outside in tents;

- Provide information on health and wellbeing of Naji Fateel, and provide him with the medical attention he requires;
 - End the judicial harassment of Zainab Al-Khawaja; provide a birth certificate to her son and renew her passport;
 - Lift the travel ban imposed on Ghada Jamsheer and end the judicial harassment against her
 - Release all human rights defenders immediately including and ensure their protection from any harassment, torture, and persecution in relation to their peaceful human rights activities.
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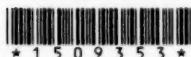
Written statement^{*} submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Freedom of Assembly and Association in Sri Lanka¹

(June 2014 – May 2015)

There were obstacles and threats to Freedom of Association and many obstructions to Freedom of Assembly under the rule of former President Mahinda Rajapaksa. During the 8th January 2015 elections, President Rajapakse was unseated by the current President Maithripala Sirisena. Since then the freedom of assembly and association has seen some improvement, however, challenges still remain.

Before elections: Country under President Rajapakse (June 2014 – 8th January 2015)

Efforts to monitor, restrict and discredit NGOs

In June 2014, the Ministry of External Affairs presented a memorandum to the Cabinet of Ministers, which included proposals for new regulations on visas for foreigners attending events organised by Non-Governmental Organisations (NGOs). In addition to other details, NGOs were required to provide a certificate of registration; details of funding sources; an outline of subjects to be discussed; objectives for the event; and a list of participants, to support visa applications of foreign invitees.²

In July 2014, Sri Lanka banned NGOs from holding press conferences, issuing press releases and organising trainings for journalists following a circular from the NGO Secretariat under the Defense Ministry.³ The Finance and Planning Ministry also informed all Non-Governmental Organisations that they should receive prior approval from the Ministry before obtaining foreign funds.⁴ In one case, The United States Agency for International Development (USAID) cancelled funding for a voter education program after the Sri Lankan Government raised objections.⁵ In August, the government proposed new laws to monitor and control Foundations and NGOs, which included reporting on NGO activities to the government every three months.⁶

In addition to limiting NGO activities, the Rajapaksa regime led a parallel media campaign against NGOs with the aim of discouraging public participation in the work of NGOs and International Non-Governmental Organisations (INGOs). Former-Prime Minister D. M. Jayaratna said that some NGOs had armed and assisted the LTTE during the war, and were a threat to national security.⁷ The state controlled newspaper the Sunday Observer also attacked NGOs, calling NGO employees “goons” who “tarnished the country’s image by pumping oxygen to Tiger terrorists... who thrive on

¹ INFORM Human Rights Documentation Centre (Inform), a member organisation of FORUM-ASIA in Sri Lanka, associates itself with this statement.

² <http://www.sundaytimes.lk/140629/columns/five-star-wonder-of-asia-dream-or-nightmare-105246.html> (last accessed on 21/5/2015)

³ <http://srilankabrief.org/2014/07/sri-lanka-bans-ngos-engaging-in-public-communications-and-conducting-training/> (Quoted in INFORM’s report, Repression of Dissent in Sri Lanka – July 2014, available at <https://hrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf>)

⁴ <http://www.dailymirror.lk/news/50038-no-foreign-funds-without-approval-ministry.html> (Quoted in INFORM’s report, Repression of Dissent in Sri Lanka – July 2014, available at <https://hrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf>). The full notice is available at the official website of the Department of External Resources, <http://www.erd.gov.lk/files/ERD%20Final%20English.jpg> (last accessed 21/5/2015)

⁵ <http://www.ft.lk/2014/07/05/us-axes-lankan-voter-education-funding-amid-controversy/> (last accessed 21/5/2015)

⁶ <http://sundaytimes.lk/140831/news/after-ngos-foundations-to-come-under-watch-115994.html> (last accessed 21/5/2015)

⁷ <http://colombogazette.com/2014/07/11/some-ngos-armed-the-ltte-says-pm/> (Quoted in INFORM’s report, Repression of Dissent in Sri Lanka – July 2014, available at <https://hrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf>)

international funding and shout from the rooftops” and who are “ready to betray the country for a mess of pottage.”⁸ In August, Secretary to the Finance Ministry said that Non-Governmental Organisations (NGOs) which operate in non-regulated environments were a threat to financial management, inclusive development and law and order itself.⁹ The Minister of Child Development and Women’s Affairs said that international organisations dependent on foreign countries force the legalisation of prostitution.¹⁰ Such blanket allegations, by the state, were made purely to obfuscate and discredit the work of NGOs and INGOs, whose aims and values were frequently at odds with those of the former government.

Threats, restrictions on Freedom of Assembly

Police, military personnel, surveillance operatives, unidentified individuals and violent mobs employed tactics of threats, obstructions and dispersals of crowds to disrupt peaceful assemblies. The police also obtained Court orders to stop assemblies critical of the then government and organisers also faced threats. Such threats were particularly visible in the highly militarised Northern Province.

In June 2014, The Sri Lankan military in Mullaitheevu tried to prevent family members of missing persons from attending a joint protest by the Tamil National Alliance (TNA) and the Tamil National People’s Front (TNPF).¹¹ A group of military intelligence officers entered the house of a Thenmaraadchi Divisional Council member while he supported a protest about land surveying, threatened his wife at gunpoint, and burnt his bankbooks and land deeds.¹² A court banned a protest march organised by the National Fisheries Solidarity Movement (NAFSO) on the basis that the protest would cause disturbances to the general public; hundreds of people who had gathered for the protest held a meeting at the Jaffna Weerasingham Hall instead.¹³ In November, the military prevented a religious gathering alleging it to be a commemoration for dead LTTE fighters.¹⁴

In August, at a Church run centre in Colombo, a Buddhist Monk-led mob stopped a meeting of Tamil families of the disappeared from the Northern Province. The police refused to guarantee security for the meeting and participants, and initially refused to disperse the mob. Several of the mothers attending the meeting received intimidating phone calls from unidentified callers for over a month before the meeting, and one had Criminal Investigation Department (CID) officers stand outside her house and intimidate her about attending the meeting. After the dispersal of the above meeting, police officers had visited the venue of the meeting on the night of the same day, to check whether Tamil families of the disappeared from North were still on the premises.¹⁵ Later in August, the police blocked families of disappeared persons, opposition politicians, human rights defenders and clergy from engaging in a peaceful march to the office of the Government Agent to hand over a petition.¹⁶

In July, the police interrupted an awareness campaign entitled “no to another black July” held by the Movement for

⁸ http://www.sundayobserver.lk/2014/07/13/main_Editorial.asp (last accessed 21/5/2015)

⁹ <http://colombogazette.com/2014/08/18/government-notes-threat-from-ngos/> (Quoted in INFORM’s report, Repression of Dissent in Sri Lanka – July 2014, available at <https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf>)

¹⁰ <http://www.lankasringnews.com/view.php?221MM30310o4e2BmAcA25YAdd3Y5fac3mBJe43Oln0236A43> (last accessed 21/5/2015)

¹¹ <http://www.tamilnet.com/art.html?catid=13&artid=37247> (last accessed 21/5/2015)

¹² <http://tamilnet.com/art.html?catid=13&artid=37309> (last accessed 21/5/2015)

¹³ <http://www.lankasringnews.com/view.php?22A0lv2acT5YAe4e4yMCc02aAmB3dd3PBmc30366AY2e4UYY5f0ca21Oed3> (Quoted in INFORM’s report, Repression of Dissent in Sri Lanka – July 2014, available at <https://ihrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf>)

¹⁴ <http://tamilnet.com/art.html?catid=13&artid=37521> (last accessed 21/5/2015)

¹⁵ <http://groundviews.org/2014/08/07/mob-disrupts-meeting-of-families-of-disappeared-police-government-hound-participants/> (last accessed on 21/5/2015)

¹⁶ <http://tamilnet.com/art.html?catid=13&artid=37363> (last accessed 21/5/2015)

Equal Rights (MER). Police informed them to stop the campaign, forcibly removed the banner and prepared to arrest members of the MER.¹⁷ Several other meetings were also similarly obstructed.¹⁸ 3,000 peacefully protesting Catholics were dispersed by the police using tear-gas and water cannons.¹⁹

September saw the University of Sydney un-invite two well-known Sri Lankan HRDs to a conference in Bangkok, under pressure exerted by the Ministry of Defense.²⁰

Several workshops to train journalists in different parts of the country (Colombo, Negombo, Polonnaruwa) were disrupted by state intelligence agencies, military and pro-government mobs.²¹ In October, several trade unionists faced assaults or attempted assaults.²² Around 300 protesting fisher folk were pelted with stones, allegedly by the Fisheries and Aquatic Resources Ministry.²³ The night before the annual Commemoration of the Disappeared in Sri Lanka, the house of the president of the Families of the Disappeared (FOD) was stoned²⁴ and posters were pasted around Negombo and Colombo discrediting NGO employees and HRDs working with families of the disappeared.²⁵

After elections: Country under President Maithripala Sirisena (9th January 2015 till date)

Under the new government space has opened leading to a significant boost for the freedom of assembly and association. Members of civil society have been able to hold assemblies more freely and with less fear. The NGO Secretariat which was under the purview of the Ministry of Defense has been placed under the purview of the Ministry of Policy Planning and Economic Affairs.²⁶ Despite private and informal assurances that they are no longer in operation, there has been no official withdrawal of letters, notices and announcements by the previous government that were restrictive of NGOs..

Unfortunately, surveillance by intelligence agencies and photographing of organisers and participants appears to continue. In May 2015, in the North, Police intervened to obtain court orders to stop some events to commemorate those killed at the end of the war and there was widespread intimidation and surveillance on those organising and attending such events in the North and East.²⁷ On 10th May 2015, in the Northern city of Jaffna, the Tamil Civil Society Forum organized an event on 'The Right To Memory' which discussed the importance of memory and commemoration in the process of reconciliation. This was also subjected to surveillance and intelligence officers reportedly

¹⁷ http://www.lankaviews.com/en/index.php?option=com_content&view=article&id=11771-equal-rights-awareness-campaign-disrupted-by-police&catid=35-local&Itemid=48 (Quoted in INFORM's report, Repression of Dissent in Sri Lanka – July 2014, available at <https://hrdc.files.wordpress.com/2014/08/repression-of-dissent-in-sri-lanka-july-2014-english-07sep2014.pdf>)

¹⁸ According to the spokesperson of The Government Press Trade Union Collective, members of pro-government Trade Union Sri Lanka Nidahas Sevaka Sangamaya had disrupted an awareness meeting organized by the Trade Union Collective and assaulted a participant of the meeting, on 27th August 2014 (<http://www.hirunews.lk/90491/tense-situation-at-government-press> – last accessed on 21/5/2015). The Colombo District Court was reported to have issued an enjoining order on the Para-medics' strike that affected functions of the government hospitals for four days, on 29th August 2014, based on a petition of a patient (<http://www.hirunews.lk/90700/enjoining-order-issued-on-paramedics-strike> – last accessed on 21/5/2015)

¹⁹ <http://www.ucanews.com/news/tear-gas-water-cannons-used-on-protesting-sri-lankan-catholics/72006> (last accessed 21/5/2015)

²⁰ <http://www.smh.com.au/world/academic-tells-conference-delegates-not-to-upset-sri-lanka-over-human-rights-20140912-10fzdzq.html> (last accessed 21/5/2015).

²¹ <http://srilankabrief.org/2014/09/sri-lanka-police-together-with-pro-govt-mob-disrupts-one-more-media-workshop/> (last accessed 21/5/2015)

²² <http://lankafocusnews.com/?p=30536> - in Sinhala (last accessed 21/5/2015)

²³ <http://www.ceylontoday.lk/51-75961-news-detail-fishers-protesting-eu-ban-pelted-with-stones.html> (last accessed 21/5/2015)

²⁴ <http://srilankabrief.org/2014/10/disappearances-in-sri-lanka-our-message-to-govt-by-brito-fernando/> (last accessed 21/5/2015)

²⁵ <http://srilankabrief.org/2014/10/posters-pasted-against-remembrance-of-the-disappeared-to-be-held-tomorrow/> (last accessed 21/5/2015)

²⁶ <https://www.colombotelegraph.com/index.php/contours-of-a-new-sri-lanka/>

²⁷ <http://groundviews.org/2015/05/20/tamils-in-north-east-sri-lanka-remember-those-killed-despite-intimidation-and-surveillance/> (last accessed 21/5/2015)

photographed participants.²⁸

The Inter-University Students' Federation (IUSF) has alleged that the Police and the Special Task Force attacked a protest march they organized on 31st March, injuring 24 undergraduate students, 10 of whom had to be hospitalised.²⁹ The Police fired tear gas to disperse a group of protesters near the Talawakelle railway station, on 1st of February. The protest was in relation to the suspicious death of a man who died while in the custody of Talawakelle Police, on 31st January. However, the Police have denied that they used tear gas to disperse the crowd.³⁰

Pro-Sirisena activists attending public events organized by pro-Rajapakse groups have been attacked a couple of times. In February 2015 members of the National Freedom Front (NFF) attacked civil and political activists engaged in distributing leaflets.³¹ On 1st May, a group of persons attacked prominent academics and social activists, Dr Nirmal Ranjith Dewasiri and Dr Kumudu Kusum Kumara, when they were at a May Day Rally organised by MPs Wimal Weerawansa, Vasudeva Nanayakkara and Dinesh Gunwardene. Those attacking Dr Dewasiri and Dr Kusum Kumara had been shouting that they were responsible for defeating former President Mahinda Rajapakse.³²

Challenges:

The continuing surveillance and photographing of events in the North and East as well as attacks on protests in different parts of the country continue to happen, although much less intensely and infrequently. There must be strict instructions from the new government to Police, Military and other relevant officials to stop such obstructions, restrictions and intimidation. The police should also stop the old habit of obtaining court orders to ban peaceful events. Resolving all outstanding cases of attacks and obstructions on peaceful assembly; ending impunity; and the immediate withdrawal of all restrictions on civil society groups are key for the future of the freedom of assembly and association in the country.

²⁸ <http://www.tamilguardian.com/article.asp?articleid=14666> (last accessed 20/5/2015)

²⁹ The Prime Minister's Office has said "Such incidents are unfortunate and sad to note. If the protesters had acted peacefully allowing their representatives to heed our invitation, none of this would have happened" and that the IUSF had not given any prior notification of their intention to hand over a letter to the Prime Minister's Office but had instead said they were going to hand it over to the University Grants Commission. See <http://www.ceylontoday.lk/51-89025-news-detail-iusf-to-go-to-hrcsl.html> (last accessed on 20/05/2015)

³⁰ <http://www.adaderana.lk/news/29650/talawakelle-demonstrators-call-off-protest&> (last accessed on 20/05/2015)

³¹ <http://ceylontoday.lk/51-85177-news-detail-civil-activists-accuse-nff-of-assault.html> & <http://lankanewsweb.net/news/10068-kalyananda-perera-accuse-wimal-weerawansa-for-hindering-the-democratic-people-s-forum> (last accessed on 20/05/2015)

³² <http://futa-sl.org/the-futa-statement-on-the-attack-on-dr-nirmal-ranjith-dewasiri-and-dr-kumudu-kusum-kumara/> (last accessed on 23/05/2015)



General Assembly

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Human Rights Council

Twenty-ninth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09354 (E)



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Freedom of Expression in Sri Lanka¹

(June 2014 – May 2015)

Freedom of expression was heavily suppressed under former President Mahinda Rajapaksa. Journalists, media personnel, freedom of expression advocates and human rights defenders, as well as their families, lived and carried out their work under threats of death, serious injury, arrest, interrogation, intimidation and being discredited publicly. In the period described in this report, at least one journalist survived a murder attempt. Frequently, media personnel were obstructed from doing their work by members of the police, the military, and violent pro-government extremist mobs. Newspapers and businesses associated with the press were harassed and intimidated. When called upon by those affected to investigate a case, the police typically made little progress, creating a pervasive atmosphere of impunity. This was reflected in a statement by Military spokesman Brigadier Ruwan Wanigasooriya on behalf of the Ministry of Defense: that there has not been a single attack on journalists reported in the past few years.²

At the 8th January 2015 elections, President Rajapakse was unseated by the current President Maithripala Sirisena. Under President Sirisena, the situation for freedom of expression has improved, however, many challenges remain.

1. Before the Elections: Country under President Mahinda Rajapaksa (June 2014- 8th January 2015)

Censorship occurred in various forms under President Rajapaksa. In June 2014, Mr. Ranil Wickramasinghe, leader of an opposition party (UNP), stated that a censoring letter had been sent media organisations, instructing them to do as told or suffer consequences, such as legal action and the revocation of licenses to the electronic media.³ Social media was targeted for censorship, and in the same month the Bar Association of Sri Lanka (BASL) accused the government of planning to bring in special legislation to suppress social media networks.⁴ As the presidential elections loomed, Sri Lanka's private television service providers blocked the common opposition candidate's first TV interview, as well as those of several other opposition leaders.⁵ In addition to reported censorship, countless journalists and editors have self-censored their work in order to avoid reprisals.

As in previous years, a number of journalists, their families and citizens associated with the media received death threats. In September, an area correspondent of the Jaffna Daily 'Uthayan' narrowly escaped a brutal murder attempt after being thrown in the path of a bus by two suspected members of the security agencies.⁶ Anonymous death threats were issued via telephone to a journalist in Vavuniya.⁷ Targeting an event held on 15th October in Colombo, a group called the Patriotic Force issued death threats to a former editor⁸, journalist participants, event organisers and their families as well as staff members of Transparency International Sri Lanka (TISL).^{9, 10} These included threatening phone calls, SMS messages, and a piece of paper thrown at the door by one among many suspicious looking onlookers (suspected to be intelligence agents) at the event itself.

¹ INFORM Human Rights Documentation Centre (Inform), a member organisation of FORUM-ASIA in Sri Lanka, associates itself with this statement.

² http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=107618 (last accessed 20/5/2014)

³ <http://www.adaderana.lk/news/video-govt-imposed-unofficial-censorship-to-cover-up-its-sins-ranil-> (last accessed 20/5/2015)

⁴ <http://www.ceylontoday.lk/51-67271-news-detail-laws-to-suppress-social-media-planned-basl-alleges.html> (last accessed 20/5/2015)

⁵ http://www.colombopage.com/archive_14B/Nov22_1416678446CH.php (last accessed 20/5/2015)

⁶ <http://tamilnet.com/art.html?catid=13&artid=37389> (last accessed 20/5/2015)

⁷ <http://www.tamilguardian.com/print.asp?articleid=11724> (last accessed 20/5/2015)

⁸ <http://srilankabrief.org/2014/10/death-threats-to-senior-journalist-and-his-family-from-so-called-patriotic-force/> (last accessed 20/5/2015)

⁹ <http://www.tisrilanka.org/?p=12277> (last accessed 20/5/2015)

¹⁰ <http://srilankabrief.org/2014/10/fmm-challenges-the-government-to-bring-culprits-to-book/#more-20709> (last accessed 20/5/2015)

A number of journalists, free speech advocates and media teams were intimidated and attacked by the police, military, and mobs. During the Aluthgama anti-Muslim riots in June 2014, journalists and media teams had equipment damaged and were threatened, held hostage, assaulted and obstructed by the military police and the military.¹¹ In the following weeks and months an Al Jazeera journalist was interrogated by the CID about his reporting of the riots.¹² Later in the year, two Sinhala journalists were assaulted by a pro-government mob led by government politicians.¹³

Journalists who went to report on the pre-emptive surveying of private Tamil land were threatened by the Sri Lankan Navy.¹⁴ A Tamil journalist was threatened over a long period by the Sri Lanka Police.¹⁵ The military evicted journalists covering a court case on the gang rape of two Tamil schoolgirls, allegedly by Sri Lankan Navy personnel.¹⁶ Newspaper agents in Jaffna district were subjected to repeated harassment by Sri Lankan military officers for distributing a monthly paper, and the printers of the paper were instructed to alert authorities before printing.¹⁷ Several foreign and domestic journalists have been obstructed from carrying out their work.¹⁸ In the lead-up to media workshops delegates were threatened several times.¹⁹ Delegates were also obstructed from attending media workshops.²⁰ At times, workshops

¹¹ On 15th June, an undercover journalist attached to the Sunday Times (English) / Lankadeepa (Sinhalese) newspapers was threatened with death and sustained serious injuries in a violent mob assault (<http://www.sundaytimes.lk/140622/news/need-for-calm-say-both-sides-104377.html> – last accessed on 20/5/2015). That same day, a local reporter working for the BBC Sandeshaya was pushed by a mob and threatened not to cover the communal violence. On 16th June, a crew from a local TV station was obstructed as they were travelling to the area and were almost assaulted. They escaped without injuries, but a camera was damaged (<http://www.ft.lk/2014/06/18/death-toll-rises-to-4-from-aluthgama-riots/> – last accessed on 20/5/2015). On the same day, a journalist for the Sunday Leader English weekend newspaper was threatened and held hostage, and his driver assaulted, in Aluthgama by a violent mob armed with poles (<http://colombogazette.com/2014/06/16/journalist-held-hostage-and-released> – last accessed on 12/7/2014). Mobs had also attacked a media team from the Al Jazeera network travelling in Mathugama and Aluthgama on 17th June, manhandling their cameramen and causing damage to their vehicle (<http://www.aljazeera.com/news/asia/2014/06/sri-lanka-riots-prompt-international-concern-201461752248175495.html> – last accessed on 12/7/2014).

¹² Online journalist Dinouk Colombage was grilled for four hours by the Criminal Investigations Division (CID) over his reporting during the Aluthgama riots (<http://lankanewsweb.net/news/8130-cid-quizzes-al-jazeera-journalist> – last accessed 22/8/2014).

¹³ <http://srilankabrief.org/2014/09/sri-lanka-journalists-assaulted-in-north-and-south/#more-20280> (last accessed 20/5/2015).

¹⁴ <http://www.tamilguardian.com/article.asp?articleid=11529> (last accessed 20/5/2015).

¹⁵ <http://www.tamilnet.com/art.html?catid=13&artid=37303> (last accessed 20/5/2015).

¹⁶ <http://www.tamilguardian.com/article.asp?articleid=11637> (last accessed 20/5/2015).

¹⁷ <http://www.tamilnet.com/art.html?catid=13&artid=37449> (last accessed 20/5/2015).

¹⁸ Gardiner Harris, the South Asia Correspondent for The New York Times, had his visa put on hold after applying to report on some local incidents, including incidents related to Aluthgama (<http://www.thesundayleader.lk/2014/08/24/visa-on-hold-for-us-journo/> – last accessed on 20/5/2015). Police sealed off Mount Lavinia District court to media personnel, when the Secretary to the Ministry of Defence (and brother of the former President), Mr. Gotabhaya Rajapaksa took the stand in a defamation suit (<https://www.colombotelegraph.com/index.php/press-barred-again-from-covering-gotabayas-cross-examination-in-court/> – last accessed on 20/5/2015). In September, a Sri Lankan journalist was barred from accessing post-riot Aluthgama areas. Military Police and Military were caught on film stating “this is not a civilian controlled area” (<https://www.youtube.com/watch?v=rqOOljvig#t=163> (Minutes 2:12 – 2:45, in Sinhalese) – last accessed 20/5/2015).

¹⁹ A training workshop for journalists in the Northern Province was cancelled after a number of journalists were threatened over several days in the lead up, while one of the journalists and his family members living in Jaffna was questioned (http://www.lankaviews.com/en/index.php?option=com_content&view=article&id=12024-military-shows-its-force-in-the-north-journalists-threatened&catid=150-lead-news&Itemid=113 – last accessed on 29/12/14). A senior journalist and media activist was subjected to interrogation by a Special Criminal Investigation Division over two months on his interactions with international media watchdogs and training programmes with journalists (<http://www.tamilnet.com/art.html?catid=13&artid=37400> – last accessed on 20/5/2015).

²⁰ 12 Tamil journalists from the Northern Province were obstructed in the late night/early morning by a Sri Lankan Police, Army and intelligence joint operation while travelling to Colombo to attend a workshop and discussion on digital security (<http://srilankabrief.org/2014/07/12-northern-sri-lankan-tamil-journalists-impeded/> – last accessed 20/5/2015).

themselves were disrupted by mobs.²¹

2. After elections: Country under President Maithripala Sirisena (8th January 2015 – 21st May 2015)

President Maithri Sirisena's presidency has brought about improvements in the situation of freedom of expression. Sirisena's new Prime Minister, Ranil Wickremesinghe, told reporters that they are "free to report whatever you want without the fear of being abducted."²² Websites that were blocked were unblocked. A process to enact a Right to Information Act was initiated and consultations were held with journalists, media organisations, civil society and professionals. The law is expected to be enacted in the coming months. State media has stopped discrediting those critical of the government in power and have in some instances even provided space for critiques on the government. Foreign journalists have found it much easier to obtain visas, and foreign nationals are no longer required to obtain special permission from the Ministry of Defence to visit the North. Speeches and events that could not have occurred under the previous government can now go forward. On 4th May, delegates from private and state media came together to celebrate the World Press Freedom Day and the freedom of expression while commemorating a Tamil journalists killed under the Rajapaksa government.²³

Despite these positive developments, there have also been an alarming number of assaults on free expression since January 8th.²⁴ These included attacks, threats, arrest and restrictions on journalists and obstructions to an event at a university to discuss a book about the end of the war. Compared to previous years, there was widespread expression of grief by Tamil people through remembrance events in the North and East of the country on 18th May, the 6th anniversary of the end of the war. However, the government also engaged in restrictions and intimidation surrounding such events,

²¹ A training workshop for Tamil journalists by the Transparency International Sri Lanka (TISL) was disrupted by an organized group of protesters (<http://www.tisrilanka.org/?p=11979> – last accessed 20/5/2015). Hours later, hotel management forced participants to leave the hotel, threatening that if they didn't comply, "they" would personally come and remove the journalists from the premises (<http://www.tisrilanka.org/?p=11979> – last accessed on 12th July 2014). Government orchestrated mobs sabotaged a planned media workshop for Jaffna journalists scheduled at the Sri Lanka Press Institute (SLPI) (<http://srilankabrief.org/2014/07/sabotage-of-media-workshop-and-death-threats-are-govt-orchestrated-slwja/#more-19122> – last accessed 20/5/2015). The leader of the mob later threatened to use violence against future workshops (<http://srilankabrief.org/2014/07/dont-say-we-are-bad-boys-next-time-thugs-warn-to-slp/#more-19126> – last accessed 20/5/2015).

²² <http://www.theguardian.com/world/2015/jan/10/sri-lanka-president-maithripala-sirisena-promise-change> (last accessed 20/5/2015)

²³ <http://groundviews.org/2015/05/03/world-press-freedom-day-2015-and-freedom-of-expression-in-sri-lanka/> (last accessed 20/5/2015)

²⁴ A journalist was reported as having being attacked by a local politician. A prominent political commentator and university academic was hospitalized after being attacked on 1st May, as he was observing a May Day rally in Colombo by political forces loyal to the former President. Earlier in March, several persons dubbing a film related to the militarization were arrested by the police in Colombo, and equipment of the studio confiscated. In the Eastern province, it was reported that harassment and intimidation of family of a Muslim women activist continued to date, after she had expressed her opinions about legalization of sex work, back in 2012. From the North, an alarming number of threats to free expression had been reported against Tamil journalists. One was prevented from covering a discussion related to pollution of water. Another Tamil was reported as detained in Jaffna on 23rd April. Four Tamil journalists based in the northern cities of Mannar and Vavuniya were summoned for questioning by the Police in Colombo on 28th April. Another journalist had received a similar summons that resulted in him being charged with publishing false information on 26th April. Police in the northern city of Jaffna had arrested N. Logathayalan, a freelance journalist working for the newspaper Uthayan, on 8th April because of an article about police violence on a school girl. On 7th April, three Tamil journalists were harassed and threatened by Police officers in Jaffna, after they went to report about a protest against oil pollution. Also in April, the Vice Chancellor of the University of Jaffna had refused permission for a discussion about a book written by a University academic, about the end of the war. Few weeks after the election of the new President, it was reported that the Sri Lankan military had threatened displaced residents from Valikamam North in Jaffna, not to share their experiences and views with the Britain's Foreign and Commonwealth Office minister, Hugo Swire, during his visit to Jaffna. - <http://groundviews.org/2015/05/03/world-press-freedom-day-2015-and-freedom-of-expression-in-sri-lanka/> – last accessed 20/5/2015)

including through two court orders, although restrictions and intimidations was less intense than previous years.²⁵ These are perhaps indications that old institutions and personnel in the security and political establishments still practice policies of the previous government to suppress free expression, and that no strict instructions have been given and enforced by the new dispensation to ensure free expression.

3. International Media Assessment Missions

Two International Media Assessment Missions were undertaken during 2015 under the Sirisena Presidency. The Missions were able to meet the Prime Minister and some other relevant Ministers, an indication of the openness of the new government to engage with international media freedom advocates. Both Missions noted the relatively positive atmosphere for free expression, but expressed concern about ongoing challenges and made a number of recommendations²⁶.

4. Challenges ahead:

An important priority for the new government should be the halting of arrests, threats, intimidations, restrictions and attacks on journalists and others for expressing themselves.

The Prevention of Terrorism Act (PTA) continues to pose grave threats to freedom of expression and even freedom after expression. A formal circular by the NGO secretariat restricting the issuing of press releases as well as the conducting of press conferences and trainings for journalists has not been formally withdrawn. A gag order on writer and leading human rights defender, Ruki Fernando, still remains in place, despite submissions by his lawyer to close the ongoing anti-terror investigation and lift the restriction²⁷. The new government has announced investigations into few high profile cases such as murder of Sunday Leader editor Lasantha Wickramathunga and disappearance of Cartoonist Prageeth Ekneligoda, but in last 4 months, progress made on these cases is not clear. Nothing appears to have been done and no commitments appear to have been made in relation other pending cases related to freedom of expression, including on killings, disappearances, assaults on journalists and arson attacks on media institutions. The Uthayan newspaper noted that they are not aware of any fresh efforts to expedite justice and accountability for more than 40 cases against the institution and its personnel, which includes killings, serious assaults and arson.

A key challenge in this relatively positive atmosphere for freedom of expression is building effective self-regulatory media mechanisms along with strong legal and institutional frameworks. This is necessary if state media is to change from being propaganda organs of the government in power to public service entities that could act as a buffer against authoritarian governments. Another major challenge is for journalists, media institutions and media freedom organisations to engage in self reflections, about their own political, ethnic and other biases as well as self-censorship, particularly on subjects formerly considered taboo such as accountability for allegations of war crimes during last phase of the war, charges of genocide, political solutions to the ethnic conflict, and deep-seated cultural and religious prejudices (caste, sexuality, gender, and so on).

²⁵ <http://groundviews.org/2015/05/20/tamils-in-north-east-sri-lanka-remember-those-killed-despite-intimidation-and-surveillance/>

²⁶ See <http://sri.lankabrief.org/2015/05/much-needs-to-be-done-to-ensure-that-the-overall-environment-for-the-media/#more-23685> and <http://sri.lankabrief.org/2015/03/sri-lanka-needs-a-series-of-critical-reform-measures-for-media-freedom/#more-22971>

²⁷ <http://www.theguardian.org/?p=27256>



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Human Rights Council

Twenty-ninth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement^{*} submitted by the Al-khoei Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09355 (E)



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Persecuted Minorities and IDPs in Iraq

Most of Iraq's ethnic and religious communities have been persecuted by extremist groups such as ISIL, especially the Christians, Yazidis, Shabaks, Turkmen, Farsi Kurds and Kaka'as. The so-called "Islamic State of Iraq and the Levant" (ISIL) is systematically targeting minority communities in Iraq. According to the Internal Displacement Monitoring Centre, as of May 2015, there have been 3,276,000¹ Internally Displaced People (IDP) in the country with at least 2.2 million displaced since the invasion of ISIL in June 2014.

The Orphan Charity Organization in coordination with the Ministry of Migration and Displaced in Iraq published initial figures of where the displaced are currently located:

Karbala: 90,076; Najaf: 78,859; Kurdistan: 56,200; Babel: 55,229; Wasit: 36,876; Aldiwaneeya: 20,000; Basra: 12,000; Diyar: 10,076; Baghdad: 5,974; Meysan: 5,220

There are still millions more who have yet to find shelter or a place to relocate. For instance, in Ramadi, the capital of the province of Anbar, over 25,000² individuals have been displaced within a week. Many died in the heat after walking for days, in search of a temporary place to stay in. The Shabaks, Yazidis, Turkmen and Kurdish Fails are some of those who have suffered for long.

Shabak

The Shabaks are an ethnic minority that reside in 64 villages around the city of Mosul, Al-Hamdaniya, Telkef and Bashiqa and their population is approximately over 250,000. Most of the Shabaks are Shi'ites and the rest are Sunnis who live closely and in harmony with their Christian and Yazidi neighbours. Shabaks are known of their strong culture and tradition, which distinguishes them from other Iraqi ethnic backgrounds. Although many of them speak the Arabic, Shabaks mother tongue language is a combination of Farsi and Kurdish.

The first city that ISIL targeted was Mosul and its surrounding villages where they launched a massive attack on the areas. The Shabaks were specifically targeted for their sect and Shi'ite belief³ and were either killed or forced to leave their homes. Many became displaced and took refuge in camps near Kurdistan. Some of them managed to arrive at Najaf and Karbala, an approximate of 700km away. Many of their properties such as cars, furniture and farming equipment were confiscated by ISIL and their herds were sold in the markets. Their places of worship, religious centres and holy shrines were destroyed. Even the roads that led them back to their villages and homes were planted with booby traps.

Shabaks have been severely abused by ISIL who consider them to be infidels for their religious belief. Many of the Shabaks were beheaded and their women were sold as slaves in the market. The crimes committed against Shabak are grave violations against human rights and humanity, which are often not reported by the media or included in the UN reports.

¹ <http://www.internal-displacement.org/global-figures>

² http://www.un.org/apps/news/story.asp?NewsID=50894#_VWJDfz46fQ

³ Even before the invasion of ISIL, the Shabaks were victims of previous terrorist groups where over 1000 individuals were killed. They were always subjected to marginalisation.

Yazidis

The Yazidi faith is one of the many faiths that exist in Iraq with an approximate population of over half a million. Yazidis live either in Kurdistan or in the region of Mosul.

The Iraqi constitution first recognised the Yazidi as a religious sect in 2005 where they were given the freedom to worship. Terrorist and extremist groups such as ISIL have been continuously marginalising and targeting them for being 'infidels' and 'devil worshippers' despite the fact that their religion is a monotheistic one. Yazidi men have been killed and their women have been captured and sold as slaves in the market and sexually assaulted, which have led many to take their own lives. ISIL has been forcing them to either convert to their religion or die. According to the UN, this has resulted into 200,000 Yazidis to flee to Mount Sinjar where they spent days without food or water. Thousands of displaced Yazidi elderly and children died as they were walking for days seeking shelter and refuge. The Yazidis suffered the same as the Shabaks, where their properties were also taken away and sold in the markets.

Turkmen

The Turkmen is another ethnic minority in Iraq, mostly residing in Mosul, Erbil, Kirkuk, Salahadin and Diyala. Their current population, which speaks the Turkish language, is approximately over 3 million and are either Muslims or Christians. From the 17th of June to the 31st of August 2014 the city of Amerli was under the siege of ISIL. The Turkmen struggled to survive without food, medicine, clean water supply and electricity for 80 days whilst fighting to defend their hometown against the terrorists.

Besheer, another Turkmen Shiite village was attacked by ISIL. Their mosques and places of worship were destroyed and around 1000 families were forced to leave. The city of Telfar was also invaded, with an estimate of 350,000 displaced from there. Many of them fled to Najaf and Karbala for shelter provided by the Holy Shrines but many of them died on the way too. An approximate of 45,000 families have been displaced from Diyala.

Faili Kurds

The Faili Kurds are another ethnic community that have been constantly persecuted by ISIL, including the destruction of their places of worship. The following figures are an approximate number of Faili Kurds displaced from each city or village:

Beladruz: 5,000

Qezaniya: 8,000

Tebah Village: All of its residents have been displaced

Sadiyeh: 8,000

Meqdadiya: 4,000

Jelwa': 6,000

Hamreen: 4,000

Khanqeen: 2,000

Many of the displaced have sought refuge in Dahook, Arbil and between the holy cities of Najaf and Karbala.

IDPs in Najaf and Karbala

The offices of the Holy Shrines in Najaf and Karbala have been sheltering over 160,000 IDPs from different ethnic backgrounds including Christians, Sabaeans, Farsi Kurds, Turkmen and other Iraqis including Sunnis and Shi'ites. The offices have set up specialised centres such as "The Centre for welcoming and sheltering IDPs" to receive the internally displaced and provide them with basic necessities including shelter, food and medication.

These individuals are placed in "Mawakeb", a term referring to space that is used for religious commemorations. Mawakebs that are used for the IDPs in the South of Iraq are located between the Holy city of Najaf and Karbala, which are generally used annually by the public for a period of ten days in the season of Arbacen. Mawakebs between Najaf and Karbala range from stalls to tents or halls and include very basic utility and infrastructure.

Although the offices of the Holy Shrine have anticipated the arrival of IDPs since the invasion of ISIL, the committee for sheltering IDPs is not able to meet their basic needs. The mawakebs are not equipped to host people for a long period of time especially in the scorching heat of the summer in Iraq. Air conditioners, coolers, fans and refrigerators are essential needs in the summer that are not available in mawakebs. Families have no choice but to share the mawakebs, restraining their privacy and making it more difficult for them to be independent. In many cases, a mawakeb would have up to three or four families who separate themselves with curtains. This has led to a spread of scabies, which has been a challenge to the offices of the Holy Shrine due to the lack of medicine and medical equipment such as sterilisers. The overcrowding of individuals in mawakebs has also reduced sanitation levels, exposing them to numerous hygiene related diseases.

Children are also suffering from the lack of space, emotionally and physically. Not only are they exposed to out breaking diseases but also they suffer from lack of healthy nutrition and diet. They are not receiving their basic right of education or a have place to play and release their energy.

Recommendations:

The Al-Khoei Foundation strongly urges the Council to:

Investigate ISIL atrocities and hold perpetrators accountable for crimes against humanity;

Deploy humanitarian strategies aiding the IDPs across the country;

Urge Member States to collectively defeat ISIL and stop its growth in Iraq and Syria;

Urge Member States to dismantle the social media network of ISIL and other similar organizations, in order to prevent the further spread of their ideology;

Act upon preserving ethnic minorities in Iraq who are one of the oldest existing communities and to promote their identities;

Demand educational reforms in the Middle East to encourage freedom of religion, plurality, respect to religious traditions and minorities and refraining from using teaching material for preaching hate and discord;

To implement mechanism in order to hold non-state actors accountable for their crimes;

To develop international instruments in finding appropriate mechanism to protect sacred and heritage sites in Iraq and across the globe;

We call to promote equal protections of Internally Displaced People and ethnic and religious minorities under the law, and to combat impunity for targeted violence around the world.



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Human Rights Council

Twenty-ninth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09391 (E)



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Honour Killing in Iran's Kurdish Regions

In the Islamic Republic of Iran, research and report on honour killings, like research and report in many other social issues related to violence against women is categorised as part of a threat to the national security. Therefore, at the national level, reliable and accurate statistics are rare. However, women activists in Kurdistan have managed to do some work on this issue and for this reason, sample examples in this report come exclusively from the Kurdish areas.

Honour killing is not an act of violence by one man against a woman. It is a set of male-dominated system which demonstrates itself in forced marriages, early marriages, female virginity, female genital mutilation, acid attack, deprivation from education, all of which systematise social relations between men and women. The killing of a woman is related to the man's honour to sustain the system of male domination.

Men's social status is diminished among their tribe, village, and hometown and within the family if such code of honour is broken by a female family member. Often those who kill a family member admit pressures by the society they live in plays an important role.

Articles 301 and 302 of the new Islamic penal code have facilitated honour killings. Iran's penal code based on Ghisas (retribution) leaves the punishment to a family member who is either the culprit himself or a close family member. In case of a wife killing, the husband pays half of Diyah (blood money) to the wife's family to seek their pardon.

The cases of 32 women documented by Kurdish women activists demonstrate the scope, the variety of brutality and violence against women in the context of honour killing.

- 1- Samira Dadgostar, 18 from Nasar Mar village was abducted by the village Sheikh for 2 days. After she was returned, her family killed her secretly. The villagers shaved the Sheikh's head, put women's dress on him (a sign of contempt which was repeated in Marivan later) and drove him on a donkey round the village. Samira's killers were released (2007).
- 2- Soraya, 34, mother of 3 children from Kani Dinar town in Marivan district was murdered by an axe by her husband as he suspected she has had an affair with another man. He paid half of blood money to Soraya's mother and was released from prison after 8 months.
- 3- Sheida's brothers were convinced by her husband she had an affair with a man in the city of Marivan. They murdered her on a street near park Melat. (2008, ParvinBakhtiari, silent murders).
- 4- Golbagh Houst, tailor from one of the villages in Marivan region was murdered by her brothers under the instigation of her husband (2009). One of the brothers, Mahdi is still in prison.
- 5- Shahin Nasrolahi, mother of a 20 year child from Dezeli village was thrown out of her home by her husband who accused her of having telephone relationship with an unknown man. Later, he brought her home only to be gunned down by her brother in the middle of the village as he was convinced Shahin's husband had tarnished her reputation. Shahin's murder was met by fierce reaction of women activists who accompanied her body to the cemetery and spoke of the issue of honour killings (2008).
- 6- In August 2008, Fereshteh Nejati was brutally murdered by her father and uncle who was a drug dealer. She was the 3rd child in the family. Her mother was divorced by her father and committed to a mental hospital due to maltreatment and psychological disorders.
Fereshteh separated from her husband and returned to family home. But her step mother accused her of having a relationship with a man. Fereshteh fled from home and went to the centre where her mother was kept but she was refused to stay although she said she will work for free. Second time she tried to cross the border to Iraq but was captured and returned home. Her father was warned and made a written statement to take care of her. Few nights later, he cut her throat and her body was knifed. It was revealed by the coroner that she had been a virgin as her husband had been impotent a fact she kept secret. Her murder brought much objection in town and about 4,000 people attended her funeral. The murderer was set free after 8 months as Fereshteh's mother was incapable to seek retribution and her son was bribed with a car.
- 7- Golbahar Hosseini from Dezali village was hit by a blunt object in front of her daughter by her husband and left on a road to die. He claimed she had been thrown out of the car, a matter which proved untrue. The murderer spend 3 years in prison and released on payment of Diyah (blood money). (2007)
- 8- Someyeh Karimi, mother of 2 was being suspicious of having a relationship with a man. Her husband and brothers attacked her with knife and buried her in a shallow grave when she was still alive and drove over it by car.

- 9- Zeinab, from Chavelkan-eVazir in Marivan fled to Iraqi Kurdistan because of violence at home. Her father's family gave her assurances to return to see her children. On return, she was detained by the border guards and released by guarantees given by her father and brothers. Zeinab was murdered on the way to Marivan. (2004)
- 10- Fatemeh, a young woman from Golanvillage in Marivan found out of her husband's relationship with a woman in the family. Her husband and the lover conspired to murder her with knife. Fatemeh's husband spent only 4 years in prison and was released on payment of Deyeh.
- 11- Sowibeh Ghaderi, mother of 3 from Shahidar village in Marivan ran away with a man, called Hamzeh Mohammadi. Her brothers track them down one night. Hamzeh managed to run away but Sowibeh was badly knifed. The researcher met her in hospital but was not permitted to of take photos of her. She died and her brother Bahamn was detained and put in prison where he confessed he was sorry but he did it to save their honour (2013).
- 12- Safron Mohammadi from Hezarkhani village in Marivan, mother of 5 met a young man and was divorced 2 years before she was killed. She ran away with him a week before her end. As she did not have a place to stay she stayed in her lover's father's home. The news spread through village and public opinion turned against her father and brothers so much that taxis refused to give them a ride. The family moved to Marivan under pressure. When they found out of Safron's whereabouts, they persuaded her to come out to talk. As she appeared, the father put a rope round her neck and dragged her to the village and shot her there. Then he went to the mosque and informed the people through loudspeaker that he killed her daughter. She was killed on 8th March 2013. A number of activists went to the village to attend Safron's funeral but were turned down. She was buried at a corner in the cemetery.
Safron's father admitted in prison that he was sorry to have killed her daughter. But people's pressures were so much that he had to stop going to the mosque and then migrate from the village. He was released after 1 year by the consent of Safron's family.
- 13- Bahareh A. 24 from Sanandaj was murdered by her father accused of having relationship with a man she loved and wanted to marry (2008).
- 14- Bahareh Saidi was threatened by her father and brother that if she had relationship with a man she will be in danger. She was murdered by her brother with 6 bullets. (2008)
- 15- Somayeh, 17 was murdered by her father on suspicion of pregnancy before marriage. (2011)
- 16- Soheila Fatehi, 21 and mother of 2 in Basath, Kamyaran was murdered by her brother. He wanted to save the family's honor.
- 17- Fatemeh Azadi, 23 from Varyan Sofla valley in Kamyaran refused to marry forcefully and wished to marry the man he loved. She was gunned by her brother (2011).
- 18- Sarwah, 19 from a village in Dehgolan in Kurdistan ran away from home because of extreme violence. Her brother found her in Sanandaj and cut her throat (2015).
- 19- Chiman Piri, 32 a divorcee from Dareh Pir valley was accused by her ex-husband of having a relationship and was murdered by a blunt object.(2014)

Conclusion

The list contains 32 cases but due to word restrictions 19 cases are registered here. Human rights activists all over the world have raised the issue of honour killings through seminars, workshops, demonstrations and activism. Honour killing is a worldwide phenomenon which requires a worldwide effort by the governments to change laws and education to transform minds and more than that to eliminate violence against women in other areas alongside honour killings.



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Twenty-ninth session

Agenda item 9

**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up and implementation
of the Durban Declaration and Programme of Action**

Written statement* submitted by the International Youth and Student Movement for the United Nations, a non- governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Afrophobia*

We welcome the active use of the term "Afrophobia" by the High Commissioner for Human Rights for the first time in his address to the Working Group of Experts on People of African Descent on April 1, 2015.

The International Youth and Student Movement for the United Nations (ISMUN) together with the World Against Racism Network (WARN) has spearheaded the promotion of this term in the UN Human Rights mechanisms and consider the growing acceptance of this term in the UN Human Rights system as important.

In its resolution 21/33 adopted on 28 September 2012 the Human Rights Council deplored "the special form of discrimination faced by people of African descent known as 'Afrophobia'".

The active use by the Human Rights Council of the term Afrophobia was in response to the recommendations of the Working Group of Experts on People of African Descent at its previous sessions. In the report of the Working Group of Experts on People of African Descent from its twelfth session adopted on 26 April 2013 the Working Group affirmed that "The recognition by the Human Rights Council in its resolution 21/33 of the term 'Afrophobia', as had been recommended by the Working Group, requires an active and systematic follow-up in order to assure the full implementation of this important assertion of the special and unique form of discrimination faced by people of African descent and assuring its equal use with analogous terms that are used to address the stigmatization and prejudice against ethnic, religious and other vulnerable groups."

We hope that the group of countries, the European Union, which has regularly objected to the introduction of the term "Afrophobia" both in negotiations on resolutions and in statements at the Council will be able to reconsider its objections. We are i.a. referring to the statement at the Human Rights Council on 27 September 2011 where the EU stated that "establishing a hierarchy of those affected by racial discrimination is not acceptable. Therefore the EU rejects the introduction of potentially harmful terminology as 'afrophobia'".

In the context of the above it should be noted that the "Afrophobia" term has gained an increased use in European countries and at the international level and also been included in government ordinances relating to work against discrimination in one EU country, Sweden, without "harmful" consequences. The term is for example actively used by the Swedish National Council for Crime Prevention and the Swedish Minister for Integration of the previous government commissioned the Multicultural Centre to conduct a systematic review of the current situation on afrophobia experienced by Swedes of African descent and which report was presented on February 3, 2014. The report indicated that Afrophobia, discrimination against persons of African descent, is widespread and a problem in Sweden and will hopefully help the government to better address the situation. When the newly elected Swedish Prime Minister presented his inaugural address to the parliament on October 3 2014 he included the fight against Afrophobia in his government programme. This demonstrates the importance of this form of recognition of discrimination against people of African descent.

Anti-black racism targeted against people of African descent was the first form of discrimination to be given a name when the term "Negrophobia" was introduced in the United States in the 1830:ties and used in the campaigns against slavery and for racial equality. "Negrophobia" for example predated the appearance of "anti-Semitism" term by many decades. Afrophobia is only a modernized form of the older outdated term.

In the United Nations the "negrophobia" term was first included in the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to "examine according to his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance" as adopted by the Commission on Human Rights at its fiftieth session in 1994. The "negrophobia" term disappeared in connection with the World Conference Against Racism and its early follow up for the only reason that any term including "negro" had become totally outdated and unacceptable, in particular in the English language. While the replacement of "negrophobia" with

afrophobia was discussed in that connection, it did not take place and therefore deprived people of African descent the recognition it had previously had in listings of existing forms of discrimination. It is therefore a timely measure that the Human Rights Council and the Working Group of Experts on People of African Descent as well as the High Commissioner for Human Rights has taken to reintroduce this recognition of the special and unique form of discrimination that people of African descent face. It would be appropriate and desirable that this recognition of the Afrophobia term be strengthened and further developed by the Human Rights Council at its 29th session.

*The World against Racism Network (WARN), an NGO without ECOSOC status, also shares the views expressed in this statement.



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Human Rights Council

Twenty-ninth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

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- * This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09393 (E)



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Pakistan: Freedom of Expression under Threat¹

In December 2014, Pakistan faced a shocking terrorist attack that took 126 lives including the lives of over 100² children. In response to this Pakistan formulated a National Action Plan³ (NAP) to counter terrorism. This plan has serious implications on the human rights situation in the country. From the lifting of moratorium on capital punishment⁴ to drafting of laws that are regressive and draconian⁵, the NAP is pushing Pakistan to new depths in the human rights scale. In this context the right to freedom of expression and freedom of religious expression are particularly under siege in an emerging environment of fear and insecurity. Pakistan ratified the International Covenant for Civil and Political rights, ICCPR in 2010, with reservations on various articles including Article 19⁶. The implications of this reservation have never been more obvious.

In the last two years Pakistani media and digital spaces have seen an increase in restrictions imposed by both state and non-state actors. Some of these restrictions are directly imposed and some are an indirect result of prevailing impunity for state and non-state actors who threaten and attack journalists and bloggers for political or ideological expression. The following is an overview of our concerns and recommendations regarding the situation of freedom of expression in the country.

Increased restrictions on the Freedom of Expression in Pakistan

Since the last Universal Periodic Review Cycle, we have documented an increase in restrictions on freedom of expression in Pakistan. These restrictions include content blocking, suspension of communication services⁷, attempts to enact draconian laws that compromise human rights in name of counter terrorism⁸, national security and morality. Since the last UPR of Pakistan in March 2013, mainstream media channels have been brought to court on blasphemy charges and suspended from broadcast following a rift with security agencies. A total of 25 journalists have been killed⁹. Two bloggers have been arrested on blasphemy charges and the even Federal Minister for Information and Broadcasting himself become a target of violent hate speech for expressing views that were seen as offensive by right wing religious groups.

Impunity

The government has not taken effective steps to tackle challenges to the freedom of expression including threats to journalists covering or blogging on sensitive issues. The government has failed to end the culture of impunity. As a

¹ Bytes for All, Pakistan, a member organisation of FORUM-ASIA in Pakistan, associates itself with this Statement.

² More than 100 children killed in Taliban attack on Pakistan school, The Guardian (Dec 2014) - <http://www.theguardian.com/world/2014/dec/16/taliban-attack-army-public-school-pakistan-peshawar>

³ National Action Plan, National Counter Terrorism Authority (January 2015) -

http://nacta.gov.pk/Download_s/Presentations/National_Action_Plan_NACTA_Pakistan.pdf

⁴ Death penalty moratorium lifted completely in Pakistan: Officials, Dawn, (March 2015) - <http://www.dawn.com/news/1168652>

⁵ Hate speech, crime glorification to be punished under cyber law, The News (April 2015) - <http://www.thenews.com.pk/Todays-News-2-314874-Hate-speech-crime-glorification-to-be-punished-under-cyber-law>

⁶ Upon signature Reservation to ICCPR filed by Pakistan on articles 3, 6, 7, 12, 13, 18, 19, 25 and 40, "The Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws."

⁷ Bytes for All urges government to clarify reports of mobile shutdown in Islamabad, Bytes for All (February 2015) - <https://content.bytesforall.pk/node/163>

⁸ Leaked draft of Prevention of Electronic Crimes bill draconian and against principles of FoE and FoI, Bytes for All (April 2015) - <https://content.bytesforall.pk/node/165>

⁹ Safe Nowhere: The plight of journalists in Pakistan, Media Matters for Democracy (April 2015) - <http://mediamatterspakistan.org/safe-nowhere-plight-of-journalists-in-pakistan-key-trends/>

result, killings targeting expression have increased and threaten civil society actors¹⁰ who express diverging political or ideological views. These killings create an environment where journalists, bloggers and human rights defenders fear the consequences of free speech. This has seriously undermined their ability to document violations and advocate for human rights.

Blasphemy Laws

We are particularly concerned by the abuse of Blasphemy laws and the impunity enjoyed by mobs involved in extra judicial killings in the name of blasphemy. Other discriminatory laws that define a restricted framework for expression, especially for religious minorities are also a serious cause of concern. These laws¹¹, enacted by parliament, have become a tool of exploitation at the hands of state authorities and vigilante mobs – who freely kill in the name of religion without having faced any consequences for such killings in the past.

Digital Space

In the digital sphere, the situation remains dismal. Restrictions on various web platforms are in place. Youtube, the world's largest video sharing service, has been blocked since September 2012 and has remained inaccessible despite various efforts from the civil society, including a petition¹² in the Lahore High Court. Instances of websites, blogs¹³ and Facebook pages being taken down for writing on issues seen as sensitive by the government and the security establishment has become more and more frequent. A new bill being drafted for Cybercrime Prevention currently adheres to an abusive counter terrorism framework which in turn compromises citizen rights online. On the other hand, hate speech and incitement to violence against bloggers has led to shrinking of women's voices online and there is at least one documented case of an attempt on a blogger's life following an online hate campaign.

RECOMMENDATIONS

The UN Human Right Council, its members and observer states should urge the Government of Pakistan:

1. To invite the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, for an official country visit.
2. To take effective measures regarding blasphemy laws and end the culture of impunity for those involved in extra judicial killing of people accused of blasphemy.
3. To stop the violations of freedom of expression in the name of counter terrorism and enact laws that protects citizen rights including their right to freedom of expression. This is especially important in the context of new laws that are being drafted, particularly Pakistan Electronic Crime Prevention Bill, 2015.
4. Ensure effective implementation of the recommendations on the freedom of expression accepted by Pakistan at its last UPR in 2012. Pakistan should in particular implement, among others, a UPR recommendation it noted in 2012 (122.127). The recommendation asked Pakistan to "Remove restrictions on accessing internet in the country, which runs counter to the criteria of the ICCPR and the principle of proportionality". Generic bans on digital content and blocking of access to political speech on sensitive issues remains common place. With the Youtube ban in place

¹⁰ End Impunity and Bring Perpetrators of Sabeen to Justice, Bytes for All (April, 2015) - <https://content.bytesforall.pk/node/168>

¹¹ Article 295 – 298, Pakistan Penal Code – Article XV – Of offences related to religion, <http://www.pakistan.org/pakistan/legislation/1860/actXI.Vof1860.html>

¹² 22nd Hearing of Internet Freedom Case - Youtube ban remains until review by the Supreme Court of Pakistan, Bytes for All (November 2014) - <https://content.bytesforall.pk/node/156>

¹³ WordPress ban, Dawn, (March 2015) - <http://www.dawn.com/news/1171842>

since 2012 and an increasing number of reports of political content being taken down, the government is failing to ensure the rights to freedom of expression, opinion and information.

5. Take immediate measures to tackle the challenges to freedom of expression created by state and non-state actors by fully accepting and implementing Article 19 of ICCPR and ensuring the protection of journalists and bloggers from violence, targeting and threats. Pro-rights policies that encourage independent political expression also need to be adopted.
 6. End impunity for the targeting of journalists and ensure that the killers of all 105 journalists killed since 2000 are brought to justice. Additionally Pakistan must ensure the implementation of the UN Plan of Action on the Safety of Journalists; end Impunity; enact a law for the protection of media workers; and improve Pakistan's performance on Journalist Safety Indicators.
 7. Create an enabling environment to minimise technology driven gender-based violence and promote safe online spaces for women of all ages in the country.
-



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Human Rights Council

Twenty-ninth session

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

**Joint written statement^{*} submitted by the Cairo Institute for
Human Rights Studies, Al Mezan Centre for Human Rights,
Al-Haq, Law in the Service of Man, BADIL Resource Center
for Palestinian Residency and Refugee Rights, Medical Aid
for Palestinians (MAP), non-governmental organizations in
special consultative status**

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09402 (E)



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Immediate action needed to guarantee accountability: Israel's persistent impunity is the root cause to the continuing deterioration of human rights in the OPT*

As human rights organizations working for the promotion of human rights in the OPT, we would like to express our deep concern regarding the persistence of Israeli impunity, amid continuing deterioration to the human rights situation of Palestinians. Israel's systematic policies and practices against the Palestinians continue to lead to serious violations of preemptory norms of international law, grave breaches of International Humanitarian Law, and the complete disregard to International Human Rights Law norms and standards.

In the coming days, Palestinians will commemorate the 48th Anniversary of the longest system of Military Occupation known in recent history. The number 48 reminds Palestinians of the collective disposessions and forcible displacement from their ancestral home in 1948. From 1948 onwards, the Palestinian people have been unceasingly victims to international crimes, while deprived of adequate means to seek justice and remedies. The domestic Israeli legal system continues to substantially not adhere to the international law requirements, thus not only denying Palestinians accountability, but also providing the green light for consecutive Israeli governments to commit the same patterns of violations against Palestinians.

Israel's continuous separation and fragmentation policies that are carried out by the blockade of Gaza, construction of the settlements infrastructure and the Separation Wall in the West Bank, including East Jerusalem, is a serious and continuous attack on Palestinian self-determination. The failure of the international community to stand to its legal obligations and ensure the implementation of effective measures for accountability contributes to the continuous commission of these violations.

July 2015 marks the first anniversary of Operation "Protective Edge" in the Gaza Strip which is to date the deadliest since the beginning of the Israeli occupation. According to Palestinian organizations figures¹, a total of 2,221 Palestinians, including 1,639 civilians, were killed, 11,231 Palestinians were injured. Including the deaths of 556 Palestinian children among the killed in Gaza, 535 of them as a direct result of Israeli attacks.² Nearly 68 percent of the children killed by Israeli forces were 12 years old or younger. During the attacks, Israel clearly ignored the principles of distinction, proportionality and precaution in attack under IHL.

Having lived through three wars in six years, and a suffocating 8 years blockade, the civilian population of the Gaza Strip has experienced extreme mental and physical trauma for which the health sector is woefully unequipped to assist. During Israel's recent military invasion of Gaza 17 hospitals, 56 clinics, and 45 ambulances were attacked including the complete demolition of the only rehabilitation hospital in Gaza, the Al Wafa hospital³. Israel's deliberate attacks on hospitals and the medical infrastructure in Gaza amounts to a gross violation of IHL, as well as the possibility of amounting to war crimes. These targeted attacks further restrict the already limited availability of medical services in Gaza.

The failure of the international community to fulfill pledges and push for the effective reconstruction of health infrastructure has meant that many have been unable to receive proper surgical or rehabilitation services, exacerbating existing injuries and in some cases leading to otherwise avoidable life-long physical disabilities.

¹ Al-Haq report, divide and conquer: a legal analysis of Israel's 2014 military offensive against the Gaza Strip, 2015
Available at: <http://www.alhaq.org/publications/DIVIDE.AND.CONQUER.pdf>

² *Ibid*

³ Health cluster in the OPT, Gaza Joint Health Sector Assessment Report, Gaza, September 2014, available at:
http://www.emro.who.int/images/stories/palestine/documents/Joint_Health_Sector_Assessment_Report_Gaza_Sept_2014-final.pdf

The Gaza Strip also witnessed the highest rate of internal displacement since 1967, as a result of the Israeli military operation. Almost 500,000 people, 28% of the population, were internally displaced at the height of hostilities in UNRWA schools, government and informal shelters, and with host families. As of January 2015, more than 100,000, whose homes were severely damaged or destroyed remained displaced.⁴

Israel's practice of forced displacement and punitive home demolitions extends from the Gaza Strip to Palestinians in the West Bank. Forced displacement in the West Bank is the perpetuation of a demographic policy that is has been ongoing for the last 67 years, triggered by multiple factors, including the demolition of homes and property; a discriminatory planning regime in Area C and East Jerusalem; evictions; the lack of secure residency status; access restrictions; settler violence; or any combination of these factors.

2015 has also witnessed a clear continuation of Israel's policy of forcible transfer of Palestinian communities throughout Area C of the West Bank, with Palestinian Bedouin villages on the Jerusalem periphery and others in the South Hebron Hills slated for demolition by the Israeli military. Notably Israel's plan to forcibly relocate the Palestinian Bedouin population from the West Bank Area C located to the East of occupied East Jerusalem into a designated "concentration site" in the Palestinian enclave (Area B) of Eizaria- Abu Dis, in order to enable the expansion of the Ma'aleh Adumim settlement bloc in the so-called E-1 area.⁵

These rapidly accelerating land confiscation and population transfer plans – underpinned by an inherently discriminatory legal system – represent a devastating social, cultural and economic blow to the thousands of Palestinians affected. Policies implemented in the West Bank are also creating an insecure environment for the fulfillment of the right to health. These policies prevent the development of an effective and sustainable health sector in the OPT severely undermining the right to health for Palestinians. Barriers to freedom of movement for Palestinians seeking Permits to leave for medical care, reduce treatment rates and create additional costs which are unsustainable for the Palestinian health sector.

The forcible transfer of Palestinians is a precursor to the construction and expansion of Israeli settlements; an act which is recognized as a war crime.⁶ This intention to follow the forced displacement of Palestinian communities with the implantation of Israeli settlers is clearly laid out in public statements from the highest echelons of Israeli government, and in Israel's relentless creation of "facts on the ground", in turn leading to the de facto annexation of substantial parts of the West Bank.

Tangible intervention from the international community to put an end to Israel's unlawful settlement expansions and forced displacement of population remains inadequate. Palestinians have effectively been abandoned to await the next chapter in a history of forced displacement.

With a history of non-cooperation with UN-mandated bodies, Israel continues to actively undermine international human rights mechanisms, including the Human Rights Council. In 2009, Israel declined to cooperate with the HRC established Fact-finding Mission on the Gaza Conflict, despite repeated calls for engagement by the international community. Two years later in 2012, the UN Fact-finding Mission on Israeli Settlements was denied entry into the OPT. The Mission joined a list of UN experts, to whom Israel has also refused entry. This also includes non-cooperation with the 1968 UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. More recently, Israel refused to facilitate a visit by the 2014 Gaza Commission of Inquiry (COI) to investigate incidents taking place in the OPT before, during and after Israel offensive operations in the West Bank and the Gaza Strip.

⁴ UN OCHA, Gaza Strip: Palestinian Internally Displaced persons (19 January 2015) available at <http://unispal.un.org/UNISPAL.NSF/096766B5B350A192F85257E1A00497668#sthash=ykr6nrffdpuf>

⁵ See UNRWA Press release May 20th 2015, available at <http://www.unrwa.org/newsroom/press-releases/un-officials-israel-must-halt-plans-transfer-palestinian-bedouins>

⁶ Art. 8(2) (b) (vii) Rome Statute of 1998

In an effort to advance the work of the HRC, Israel must be condemned for its obstructive behavior in engaging with the UN. In allowing Israel to take lightly universal mechanisms established to ensure accountability and non-repetition of human rights abuses and international crimes, Member States of the HRC are jeopardizing their valuable work put forth as a community advocating for the advancement of human rights and justice.

International justice mechanisms, including the International Criminal Court, were established as complimentary to international human rights mechanisms and are meant to provide a necessary platform that addresses impunity for international crimes, and provide justice for victims. International accountability mechanisms are of dire need if national justice mechanisms are unable or unwilling to provide accountability. Israel, like other states, must respect these international mechanisms and must not be allowed to remain above the law.

The continuing wide range of flagrant abuses of rights perpetrated by Israel, coupled with the complete disregard to international mechanisms, must be met with a clear response from the UN member states adhering to their responsibility under International Law. Accordingly, we call on the HRC and members states to:

1. Condemn Israel's persistent non-cooperation with UN Mechanisms, including the COI and Special Procedures;
2. Take strong measures to bring to an end Israeli impunity and bring Israel to immediately lift the blockade of the Gaza Strip and cease collective punishment of Palestinians in the OPT, including East Jerusalem;
3. Fully support any findings of the COI that call on Israel to comply with IHL and IHRL rules and norms including the investigation of and accountability for all violations in accordance with international standards;
4. Reiterate that Israeli violations of IHL and IHRL are rooted in Israel's prolonged military occupation of the OPT. Declare that this regime of prolonged occupation, which its inherent features of racial discrimination and annexation, contradicts international law, thwarts the pursuit of self-determination and justice by the Palestinian people, and prevents a political solution based on two-states.
5. Accountability must be pursued for all violations of human rights and humanitarian law, including attacks on medical personnel and infrastructure, during the 2014 attacks on Gaza. In order to ensure non-repetition and give any hope for the development of a sustainable health sector in the OPT there must be no more impunity.

*Civic Coalition for Palestinian Rights in Jerusalem, an NGO without consultative status, also shares the views expressed in this statement.



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Human Rights Council

Twenty-ninth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement^{*} submitted by the Planetary Association for Clean Energy, Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09404 (E)



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The Right to Freedom of Peaceful Assembly and of Association of Indigenous Peoples

Thank you, Mr. President,

The Planetary Association for Clean Energy would like to make the following statement that is also co-signed by Roger Fleury, Chief of the Off-Reserve Algonquin of Fort-Coulonge, Québec, Canada

Whereas, the United Nations Declaration on the Rights of Indigenous Peoples affirms that that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust;

and,

Whereas, the Declaration in Article 9 states that Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

and,

Whereas, the Declaration in Article 10 states that Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return;

and,

Whereas, the Declaration in Article 11.1 states that Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature;

and,

Whereas, the Declaration in Article 11.2 affirms that States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs;

and,

Whereas, the Declaration in Article 12.1 affirms that Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects;

and,

Whereas, the Royal Canadian Mounted Police on 22 May 2015, at the behest of the federal National Capital Commission, sought to remove Indigenous people while in ceremony, in peaceful assembly and association. These Indigenous people, namely Susan Martin, and others seek a national inquiry on over 1,200 Murdered and Missing Indigenous Women (MMIW), and Kakishayhowetaytahkosit (Jocelyn Lahtail) in support of the MMIW inquiry and the vision of elders, notably Grandfather William Commanda, to free Chaudière Falls, create a National Indigenous Centre,

and a central park on Chaudière Island between the Provinces of Ontario and Québec. The manifestation of this vision will permit the proper place for sacred worship at these falls of the pipe bowl, which has been denied for generations, and for the peaceable governance and meeting of many nations to preserve the land and its creatures, as has been the case since time immemorial.

Whereas, the United Nations Human Rights Council will be discussing health, which is a key aim of the proposed National Indigenous Centre regarding the creation of an Aboriginal Healing Centre.

Whereas, the United Nations Human Rights Council will be discussing the right to freedom of peaceful assembly and of association, and the recent actions of the Canadian federal government is an interference in peaceful assembly;

Whereas, the United Nations Human Rights Council will be discussing freedom of expression and the recent actions of the Canadian federal government is an interference in freedom of expression;

Whereas, the United Nations Human Rights Council will be discussing discrimination against women and violence against women and the recent actions of the Canadian federal government is an interference in the rights of indigenous women who are peacefully seeking justice regarding women and girls who have been discriminated against and who have been violently affected.

We ask that the United Nations Human Rights Council take note that the Government of Canada intervened in breach of the Declaration, to which Canada is a state party, by interfering in the practice of the ceremonies, notably the sacred fire, and continues to seek their removal.

Thank you Mr President.



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Human Rights Council

Twenty-ninth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement^{*} submitted by the International Association of Democratic Lawyers (IADL), a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09405 (E)



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Human Rights situation in Ukraine

The International Association of Democratic Lawyers (IADL) calls the attention of the Council to the dire situation of human rights in Ukraine. Since the violent insurrection in November 2013 and the consequent coup d'état, the country sank in a spiral of violence which is harshly affecting the entire population, destroying lives and depleting its scarce resources.

In this dramatic context, we draw your attention in particular to violations of human rights resulting from the alarming spread in Ukraine of racism, discrimination, xenophobia and other form of intolerance.

Government alliances with leaders of far-right nationalistic groups are a matter of serious concern, as racist and xenophobic platforms are being legitimated and institutionalized. The impact of these groups on the political programs of the government, and the rise of political violence are worrying signs of a dangerous drift in Ukrainian policy, which risk to jeopardize security all over Europe.

In the recent months, we have witnessed the exponential growth of speeches that advocates national, racial, religious or political hatred, along with episodes of racist and xenophobic violence. The war propaganda which pervades the country, has given rise to attempts to track down 'enemies' and 'traitors' of Ukraine, hunt of political dissenters, and persecution of independent and opposition media. Holocaust and other WWII memorials were desecrated and hundreds of monuments were topple by enraged masses.

Discrimination and attacks are directed against different minorities groups, but also against political opponents, notably communists. The growth of ultra-nationalist far right groups, has indeed led to a proper "anti-communism hysteria" which has resulted in innumerable acts of vandalism, aggression and threats against leaders, members and sympathizer of the Communist Party or ideology.

Under a general climate of impunity neo-nazist groups attack Communist Party offices, demonstrations and activists throughout the country.

Instead of countering and punishing this phenomena, the government plays an active role in the campaign aimed to eliminate the Communist Party from the public arena. It's worth remembering that the KPU, in the last parliamentary elections before the "regime change", obtained more than 2.5 million votes (13.2%) and that from the beginning took a strong critic stance against the government policies.

BAN ON KPU

In July 2014 the Minister of Justice and the State Registration Service of Ukraine, with the support of third parties, including the neo-fascist group Svoboda, lodged an administrative lawsuit to ban the Communist Party of Ukraine (KPU). In parallel, more than 300 criminal proceedings have been started against members of the Communist Party, including its Secretary General, Mr. Petr Symonenko.

KPU and its leaders and members are generally accused of supporting the separatist movement and are also consequently alleged to have act against the territorial integrity and the inviolability of the Ukrainian borders. Charges are mainly based on public declarations made in the Parliamentary debate in support for a referendum or constitution change allowing federalism in the country.

According to international law and the European Convention on Human Rights, the ban of political parties, as a particularly far-reaching measure, should be used with the utmost restraint and should be carry out in total respect of the procedural guarantees of a fair trial.

The case was due to be examined by the Circuit Administrative Court of Kyiv. Lawyers of IADL attended the trial as international observers in order to verify its compliance to international standards. Hearings were held in August and September 2014. Another hearing was set for February 18 2015, but in the previous days a particularly serious incident occurred and the trial has been suspended *sine die*.

On February 16th and 17th 2015, law enforcement officials raided the office of judge Kuzmenko, in charge of examining the appeal to ban the KPU, and seized his computer and other documents related to the case. The police operation affected also other judges and Court employees. Following these illegal searches, judge Kuzmenko withdrew from the case. All the 25 judges of the Circuit Administrative Court of Kyiv issued a public statement denouncing the searches as a direct attempt to pressure judge Kuzmenko to adopt a decision on KPU which was favorable to the Prosecutor General. They concluded by affirming that they could not guarantee a fair trial under such pressure and disqualified themselves from hearing the case on the ban of KPU.

Severe reprisals were applied against the 'insubordinate' judges. Some of them were even recalled to the military service in the context of the so-called "mobilization to the anti-terrorist operation" in the East of the country. The Minister of Justice continues to put forth disciplinary proceedings against them. The trial now has been transferred to another Circuit Administrative Court.

Awaiting juridic developments, and for any case, recently adopted "decommunisation laws" put the basis to outlaw all leftist and communist parties.

The so-called "Decomunisation Laws"

On April 9, 2015, the Verkhovna Rada adopted a package of four bills, laying down its own official version of Ukrainian 20th century history. According to the new legislation, any challenge to this official version constitutes a criminal offense.

The laws ban the dissemination of communist ideology and the use of its symbols, and provide for an extensive de-Communisation of public space, including by changing names of places (town, streets, schools) associated with the Communist past. It bans as well the production and possession of materials which propagate Communism.

One of the four bills ("On legal status and commemorating of participants in the struggle for the independence of Ukraine in the twentieth century") officially recognized members of OUN -UPA as "fighters for the country's independence". It also introduces liability for publicly expressing disrespect for their role in the struggle for the independence and criminalizes public denial of the legitimacy of their fight as a "desecration of their memory".

The Organization of Ukrainian Nationalists (OUN) is an ultra-right political organization that during WWII actively collaborated with Nazi Germany, taking also part in anti-Jewish pogroms. In 1943, OUN organized the Ukrainian Insurgent Army (UPA), forming the backbone of the SS Division Galicia. OUN-UPA are responsible, inter alia, for the slaughtering of tens of thousands of Poles and Jews in one of the most heinous acts of ethnic cleansing in the history of Ukraine.

The laws were signed by Poroshenko on May 15 and gone into effect. *"It is discouraging for freedom of expression and media freedom advocates that the law has gone into effect, despite various calls to safeguard these basic rights"* said Dunja Mijatovic, OSCE Representative on Freedom of the Media in a statement. And she added *"broadly and vaguely defined language that restricts individuals from expressing views on past events and people, could easily lead to suppression of political, provocative and critical speech"*.

The adoption and implementation of these laws represent a clear and gross violation of freedom of opinion and expression and freedom of association as enshrined by several international and regional human rights instrument ratified by Ukraine. Moreover such laws contravene basic principles of human rights which are embodied in documents of the Venice Commission, as the Guidelines on prohibition and dissolution of political parties and analogous measures, as well as the Code of Good Practice in the field of Political Parties and OSCE opinions.¹

The adoption of these laws raises serious questions about Ukraine's commitment to the principles and values of the Council of Europe and the United Nations itself. Moreover these laws lead to a profound split in Ukrainian society, fueling dangerous tensions, generating ideological confrontations between citizens with all foreseeable negative consequences.

CONCLUSIONS

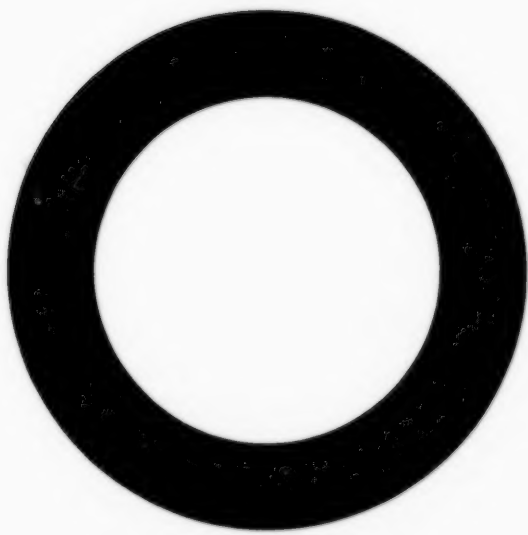
¹OSCE/ODIHR of 2013 regarding legislative ban symbols of the Communist era in Moldova. With this opinion, the Commission condemned the adoption by the Moldovan Parliament to ban communist ideology and symbols of the Communist era.

In the light of the above, IADL urges the government of Ukraine:

- to respect the basic principles of democracy and its human rights obligations and commitments under international law, the ECHR and the guidelines principles of the Venice Commission of the Council of Europe,
- to ensure inclusivity and equal participation of all in public affairs and political life, including minorities and opposition political parties;
- to combat intolerance and vandalism and take all necessary measures to prevent advocacy of national, racial, political or religious hatred that constitutes incitement to discrimination, hostility or violence, and to punish such acts when they occur;
- to guarantee the right of everyone, without discrimination, to the full enjoyment of all human rights and fundamental freedoms in line with international standards.

IADL also call upon all concerned Special Rapporteurs, in particular on freedom of expression, freedom of association, on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and on the independence of the judiciary, to undertake an urgent visit to Ukraine.

We call upon the HRC to ensure the fulfillment by the Ukrainian government of its human rights obligations, and we finally call on all member states to exercise their influence, both at multilateral and bilateral level, in order to stop any antidemocratic and belligerent drift in Ukraine.





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Human rights situations that require the Council's attention

Written statement^{*} submitted by the International Association of Democratic Lawyers (IADL), a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Statement calling for the end of the political persecution of WikiLeaks and Julian Assange

US attempts to criminally prosecute WikiLeaks and Julian Assange have been underway for over five years, most recently confirmed by the US Department of Justice as of April 2015. The investigative arsenal employed by the United States has included the surveillance of WikiLeaks staff, affiliates, and supporters, as well as extrajudicial financial sanctions. It was revealed in December 2014 that the US government is engaged in the complete collection of all location information, e-mail contents, contacts, and social media accounts of several WikiLeaks affiliates and staff.

The International Association of Democratic Lawyers (IADL) joins over fifty free speech and human rights organizations worldwide in recognizing that the prosecution of WikiLeaks on account of its publications threatens to "criminalize the newsgathering process and put all editors and journalists at risk of prosecution."

The attempts to censor WikiLeaks and deter association with the organization have a serious chilling effect on the very rights the Human Rights Council is mandated to protect. The right to publish is universally guaranteed by Article 19 of both the UN Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), which guarantee the "freedom ... to seek, receive and impart information and ideas through any media and regardless of frontiers." Article 22 of the ICCPR guarantees the "right to freedom of association." These rights are required to realize numerous other mandatory rights, such as the right to vote, the right to take part in public affairs, and the right to self-determination. Indeed, the UN Human Rights Committee in its General Comment 25 recognizes it as "essential" for democratic society that individuals have the freedom "to criticize and oppose, to publish political material" and to be able to do so "without censorship or restraint."

The current administration of the United States has prosecuted more whistleblowers for disclosing information to the press than all US presidents combined. The United States employs what has been criticized as a "two-tiered justice system" for leaks. Recently, US General David Petraeus was leniently exempted from the heavy prosecution systematically faced by whistleblowers, after he leaked classified information surrounding the war in Afghanistan to his book publisher. Meanwhile, other whistleblowers live in prison or in exile with no imminent hope of freedom.

In May 2015 a US federal appeals court held unlawful the phone record collection program revealed by Edward Snowden; this obviates the need for leniency for individuals who expose government misconduct that, when brought to light, is found by courts to violate national and international law. Instead, whistleblowers and those associated with them are prosecuted as spies and computer hackers. The prosecution of WikiLeaks includes conspiracy, espionage, and computer crimes. This has serious implications for digital freedoms as well. The Organization of American States Special Rapporteur for Freedom of Expression warns that the "aggravated" misclassification of activities as computer crimes threatens fundamental online freedoms and could lead to "criminalization of the use of the Internet."

WikiLeaks engages in work that is necessary for the Human Rights Council to protect. WikiLeaks material regularly serves evidentiary purposes in domestic and international tribunals worldwide, and has directly contributed to curbing impunity in human rights abuses. The publications are featured nearly every day in media around the world and contribute to a public understanding of government operations, and therefore enhanced democratic engagement. The crackdown against WikiLeaks, Julian Assange and other WikiLeaks journalists not only amounts to political persecution, but also has a serious chilling effect on members of the media.

In the light of the above, IADL urges the United States:

- to end its attempts to criminally prosecute WikiLeaks and Julian Assange, which threaten fundamental and universal press freedoms;
- to cease its surveillance of the staff, affiliates, and supporters of WikiLeaks, which violate their rights to publication and free association; and
- to end its harsh, disproportionate, and selective prosecution of whistleblowers and stop classifying them as engaging in espionage or computer crimes.

IADL urges as well the government of Sweden and the United Kingdom:

- to recognize the political asylum granted by Ecuador to Mr. Assange; and

- to take all necessary measures to put an end to the indefinite confinement of Mr. Assange in the Ecuadorian embassy in London, in a manner that is fully consistent with his status as a refugee.

Finally IADL urges the government of Sweden to move forward with the preliminary investigation against Mr. Assange. In the case this were to result in a decision to charge him, IADL urges Sweden to guarantee Mr. Assange a fair trial and an effective remedy for the nearly five years of detention without charge he has been subjected to in contravention of the ICCPR and Article 5 of the European Convention on Human Rights.
